

ORES Comment No.	DMM Comment No.	DMM Submittal Date	Source Location	Posted on DMM By	Heritage Wind Comment ID	Heritage Wind Source Location	Summary of Comment	Heritage Wind Comment Category	Heritage Wind Response	ORES Review
1	1	3/17/2021 16:17	DMM # 21-00026 Public Comments Tab		1A	DMM Date Filed: 06/04/2021 DMM Document Title: Heritage Public Comment Response Matrix - Written Comments and Responses DMM Item No.: 42	I am so pleased that the permit is finally in process. This is a well planned, well vetted project that brings greatly needed renewable power to NYS and is an economic lifeline to the community at large. It also helps struggling farmers hold on to farms that have been in families, often for many generations. This will positively affect all members of society in helping us reduce carbon emissions and heat trapping greenhouse gasses. Everyone in our county will benefit from additional revenues for everything from roads to schools to the local fire department. It will also reduce the tax burden on all of us. I am looking forward to ground breaking and construction. The local jobs for road work and construction will be welcomed as they are the permanent jobs associated with the project.	Comments in Support Not Relevant to Content of Draft Permit	Comment noted. This is not relevant to the content of draft permit, so no further response will be provided.	Comment noted.
2A	2	3/18/2021 13:11	DMM # 21-00026 Public Comments Tab		2A	DMM Date Filed: 06/04/2021 DMM Document Title: Heritage Public Comment Response Matrix - Written Comments and Responses DMM Item No.: 42	I am concerned with the lack of professionalism being put forth by ORES particularly as it pertains to Heritage Wind LLC case number 21-00026. To begin it is unclear why the application from the developer was ACCEPTED WITHOUT 94-C REGULATIONS. It is obscure why NYS would allow themselves to be put in such a compromising position that would hinder renewable resource siting credibility. How is ORES to be trusted with objectively reviewing proposed project sites when they are accepting applications (and requiring action on such applications) BEFORE they have regulations in place. 2Draft regulations,2 are NOT 2regulations;2 they are not legally binding and cannot be used to govern!	Comments in Opposition Not Relevant to Content of Draft Permit	Comment noted. This is not relevant to the content of draft permit. Section 94-c Regulations were finalized and became effective on March 3, 2021, prior to Heritage Wind receiving a draft permit on March 15, 2021.	The Office is required to accept Article 10 Transfer Applications pursuant to Executive Law (EL) § 94-c(5)(a), which provides that until the Office establishes Uniform Standards and Conditions (USCs) and promulgates its regulations, an application for a siting permit submitted to the Office shall conform substantially to the form and content of an application required by Public Service Law § 164. Noting that the Office's regulations at 19 NYCRR part 900 were promulgated effective March 3, 2021, the Office was able to adapt its review and issue the Draft Permit dated March 15, 2021 in compliance with the new regulations.
2B	2	3/18/2021 13:11	DMM # 21-00026 Public Comments Tab		2B	DMM Date Filed: 06/04/2021 DMM Document Title: Heritage Public Comment Response Matrix - Written Comments and Responses DMM Item No.: 42	Secondly, the process neglects community interaction. A draft permit has already been issued without any community input. Moreover, the draft permit was issued without a SEQOR being started (let alone completed). I urge ORES to begin a SEQOR immediately as they ought.	Comments in Opposition Not Relevant to Content of Draft Permit	This is not relevant to the content of draft permit. Comment noted. The sixty days following the issuance of the draft permit are dedicated to giving the public the chance to comment on the draft permit. In addition, there has been years of public interaction regarding the Heritage Wind Project through the Article 10 Public Involvement Plan.	EL § 94-c and the Office's regulations at 19 NYCRR part 900 require public notice of all Draft Permits (including the Draft Permit issued in this case), public access to all application materials through the Document Matter Management (DMM) system and other means, and opportunities to participate in the Draft Permit review process. Following issuance of the Office's Draft Permit in compliance with EL § 94-c and the Office's regulations at 19 NYCRR part 900, a robust public comment period and issues determination procedure was conducted under supervision of two assigned Administrative Law Judges (ALJs). This process included a public comment hearing on May 20, 2021 and a public comment period allowing for the submission of written comments through May 21, 2021. Following the issues determination procedure (see <i>Ruling on Issues and Party Status</i> and <i>Interim Decision of the Executive Director and Ruling on Late-Filed Petitions for Amicus Status</i> at DMM Item Nos. 47, 58 and 76, respectively), an adjudicatory hearing was held by the ALJs on October 27, 2021 in compliance with 19 NYCRR subpart 900-8. Additional information can be found in the record of this proceeding at Document Matter Management (DMM) system Matter No. 21-00026, accessible online at https://ores.ny.gov/permit-applications . With respect to the State Environmental Quality Review Act (SEQRA), siting permit applications filed with the Office pursuant to EL § 94-c and the Office's regulations at 19 NYCRR part 900 (including Transfer Applications such as Heritage Wind) are excluded from review under Article 8 of the Environmental Conservation Law (Environmental Quality Review). See EL § 94-c(6)(a); see also Environmental Conservation Law § 8-0111(5)(b).
2C	2	3/18/2021 13:11	DMM # 21-00026 Public Comments Tab		2C	DMM Date Filed: 06/04/2021 DMM Document Title: Heritage Public Comment Response Matrix - Written Comments and Responses	Lastly, 'local agency account funding,2 requests had a deadline BEFORE there were regulations in place and prior to claiming/ awarding 'Party Status,2. The order in which ORES is reviewing this proposed project is not coherent. It is as if zero thought was put forth to complete the review of this project with integrity. It is clear this permitting process is being rushed along 2 and at what cost?	Comments in Opposition Not Relevant to Content of Draft Permit	Comment noted. This is not relevant to the content of draft permit, so no further response will be provided.	EL § 94-c(7) requires that the applicant deposit a fee in the amount of \$1,000 per megawatt (MW) of the proposed wind facility into the Local Agency Account established by NYSERDA for the benefit of local agencies and potential community intervenors. Awards of funding from this account have been made pursuant to an application and award process overseen by two assigned ALJ, in accordance with applicable statutory requirements. See <i>Ruling Awarding Local Agency Account Funds</i> issued March 15, 2021 (DMM Item No. 23) and associated records available online at https://ores.ny.gov/permit-applications .
3	3	3/23/2021 14:20	DMM # 21-00026 Public Comments Tab		3A	DMM Date Filed: 06/04/2021 DMM Document Title: Heritage Public Comment Response Matrix - Written Comments and Responses DMM Item No.: 42	What is this 94-C process? As a homeowner can I not participate or have a vote in the process? This will directly impact me and my line of sight. Is there an opportunity for my voice to be heard? Has this application been accepted before regulations are in place. I don't understand how that would be a good process.	Comments in Opposition Not Relevant to Content of Draft Permit	This is not relevant to the content of draft permit. Comment noted. The sixty days following the issuance of the draft permit are dedicated to giving the public the chance to comment on the draft permit. In addition, there has been years of public interaction regarding the Heritage Wind Project through the Article 10 Public Involvement Plan.	Please see responses to Comments 2A and 2B above.
4	4	3/23/2021 15:32	DMM # 21-00026 Public Comments Tab		4A	DMM Date Filed: 06/04/2021 DMM Document Title: Heritage Public Comment Response Matrix - Written Comments and Responses DMM Item No.: 42	I am a concerned citizen of the town of Barre New York. I have been against the windmills in our town for the following reasons. My main concern is I feel the windmills could cause side affects to my health. I also feel that the windmills will greatly decrease our quality of life. It has already caused stress and hardships between neighbors and friends and divided our town. The construction will cause dirt, road hazards and noise will be impossible to ignore. The after affect will be the noise the wind turbines emit, the shadows they will cause and the detriment to our eco system. I cannot believe with us being so closely located near Iroquois wetlands and breeding areas that this is even a consideration. I am even more greatly concerned about the technology advances that will ultimately make the tall windmills obsolete before the contracts has been fulfilled leaving the tax payers and towns people holding the bag. Certain members of the town stand to gain from the project, the rest will also be affected in the long term. The tax breaks and payouts are too vague to be touted as a benefit for every member of the township.	Comments in Opposition Not Relevant to Content of Draft Permit	This is not relevant to the content of the draft permit. Comment noted. Public Health and Safety is addressed in Exhibit 15 of the Article 10 Application. A Shadow Flicker report is also included as Appendix 15-A of the Article 10 Application. Noise concerns, during both construction and operation, are addressed in Exhibit 19 and associated appendices in the Article 10 Application. As described in the Avian Risk Assessment submitted as Appendix 22-F to the Article 10 Application, the Iroquois National Wildlife Refuge (INWR) is located more than 2 miles to the southwest of the closest turbine and the remaining turbines are located more than 3 miles from the INWR boundary and the Oak orchard Wildlife Management Area (OOWMA) is located more than 1 mile southwest of the closest turbine and more than 2 miles from the next closest turbine.	The Office's primary concern is the health and safety of all New Yorkers. The Draft Permit (DMM Item No. 25) includes Uniform Standards and Conditions (USCs) (subpart 5), site specific conditions (subpart 6), and required compliance filings (subpart 7) to avoid, minimize or mitigate potential significant adverse environmental impacts to the maximum extent practicable. See e.g. EL § 94-c(3)(d) and 19 NYCRR subparts 6 and 10. The permittee is also required to implement any impact avoidance, minimization or mitigation measures identified in the application exhibits, compliance filings or plans required under the Draft Permit or 19 NYCRR part 900. See Draft Permit, subpart 5-(a). For example, the Permittee is required to implement the approved Visual Impacts Minimization and Mitigation Plan (VIMMP) in compliance with 19 NYCRR § 900-2.9(d), which shall include operational effects minimization measures, including shadow flicker minimization mitigation and other measures necessary to achieve a maximum of thirty (30) hours annually at any non-participating residential receptor, subject to verification using shadow prediction and operational controls at appropriate wind turbines. Draft Permit, subpart 5-(v)(i). The VIMMP shall include a protocol for temporary turbine shutdowns to meet the required shadow flicker limits in compliance with 19 NYCRR §900-2.9(d)(6)(iv). The Draft Permit includes site specific conditions for an updated Screen Planting Plan for the Substation Site, and an updated Lighting Plan for the proposed facility to include evaluation of Aircraft Detection Lighting Systems (ADLS). Draft Permit, subpart 6(f) and (g) (see also Comment 10 herein). The Permittee is required to comply with all applicable limits noise and vibration during the site construction process and operation of the facility, which include requirements for monitoring, handling of complaints and corrective action. Draft Permit, subparts 5-IV(k) (Construction Noise) and V(a) (Noise Limits for Wind Facilities). The Draft Permit includes site specific conditions requiring the Permittee to submit updated noise modeling in conformance with 19 NYCRR §900-2.8, along with a final Noise Complaint Resolution Protocol and Sound Testing Compliance Protocol meeting the requirements of 19 NYCRR §§ 900-6.5(a)(2)(i), (a)(4)(iv) and (a)(4)(v), and 19 NYCRR § 900-6.4(k)(2). Draft Permit, subpart 6(d) and (e). EL § 94-c(5)(f) requires that any final permit issued by the Office include a provision requiring the permittee to provide a Host Community Benefit. For additional information on the Applicant's proposed Host Community Benefits plan, please refer to <i>Rebuttal Testimony of Applicant's Heritage Company Panel</i> at DMM Item No. 74. While changes in technology are anticipated given advances of renewable energy technology generally, concerns with technological obsolescence of solar and/or land-based wind technology as a whole are speculative. Please refer to Comment 17 for a discussion of potential wildlife impacts; the Office disagrees with the description of the closest turbines in permittee's response to this comment.
5	5	3/23/2021 16:12	DMM # 21-00026 Public Comments Tab		5A	DMM Date Filed: 06/04/2021 DMM Document Title: Heritage Public Comment Response Matrix - Written Comments and Responses DMM Item No.: 42	I am against the Wind Mill Project for many Reasons : 1- We Have been to Sheldon NY (Wind mill farm) and there is Noise with them - FOR 20 YEARS !!!? 2- No known Tax break for the people of Barre 3- Quality of Life Interrupted. 4- EYE SORE !!!!!@!!!!!!!!!!!!!! 5- Health Effects !! 6- House values Effectted with the windmill farm 7- Right of way on roads (Torn up - Widened - Noise of big trucks , etc...) 8- Flicker Effect of blades 9- A Waste of property and money - (Wind energy only 2-9% Nationally) Most residents of Barre are against the Windmills except the lease holders receiving Money !!! I will do everything in my power to stop the Project along with lawsuits to keep Barre skies Clear !! We moved to barre because it was quiet and peaceful - NOT A WIND FARM !!	Comments in opposition Not Relevant to Content of Draft Permit	This is not relevant to the content of draft permit. Comment noted. Noise concerns are addressed in Exhibit 19 and associated appendices in the Article 10 Application. Public Health and Safety is addressed in Exhibit 15 of the Article 10 Application. A shadow flicker report is included as Appendix 15-A of the Article 10 Application. Effects on Transportation are addressed in Exhibit 25 of the Article 10 Application.	Please see response to Comment 4 above. Without limitation, permittee maintains that potential adverse impacts have been avoided to the extent practicable by selecting a turbine model with a greater generating capacity, which has resulted in a facility layout that includes fewer wind turbines (the current layout includes 33 wind turbines instead of 47 wind turbines, and a nameplate generating capacity of 184.8 MW instead of 200 MW). NCPB at Appendix G, p. 5 (DMM Item No. 13); Visual Impact Assessment at Ex. 24, pp. 146-147 (DMM Item No. 6). With respect to construction impacts, the Draft Permit includes requirements for facility construction and maintenance, including without limitation subpart 5-IV(a) (Construction Hours) through (k) (Construction Noise). The Office has reviewed the applicant's submittal with regard to their effects on transportation from construction vehicles. A Road Use Agreement (RUA) has been or will be entered into between permittee, Orleans County and the Town of Barre requiring use and restoration of local roadways. Draft Permit, subpart 7-(e)(8)(iv); Appendix 25-B at DMM 5. EL §94-c does not require studies or findings on the effects of major renewable energy facilities on adjacent or nearby property values. EL § 94-c(5)(f) does require that any final permit issued by the Office include a provision requiring the permittee to provide a Host Community Benefit. For additional information on Host Community Benefits (including payments in lieu of taxes, or PILOT agreements), please refer to DMM Item No. 74.

6	6	3/23/2021 16:44	DMM # 21-00026 Public Comments Tab		6A	DMM Date Filed: 06/04/2021 DMM Document Title: Heritage Public Comment Response Matrix - Written Comments and Responses DMM Item No.: 42	This is the 2nd time I have tried to leave a comment ?? Keeps deleting ?? NO TO WINDMILL FARM IN BARRE NY !!! I had 10 reasons in my option , BUT Deleted ? Visited Sheldon NY (a Wind Farm) There is noise with Windmills !! Right of way with our roads ? -Widening, lose of frontal property , Truck noise , ETC.. Flicker effect ! House values Health hazards Quality of Life interrupted WIND FARM NOT WANTED IN BARRE !	Comments in opposition Not Relevant to Content of Draft Permit	This is not relevant to the content of draft permit. Comment noted. This is not relevant to the content of draft permit. Comment noted. Noise concerns are addressed in Exhibit 19 and associated appendices in the Article 10 Application. Public Health and Safety is addressed in Exhibit 15 of the Article 10 Application. A shadow flicker report is included as Appendix 15- A of the Article 10 Application. Effects on Transportation are addressed in Exhibit 25 of the Article 10 Application.	Please see response to Comment 5 above.
7	7	3/23/2021 17:34	DMM # 21-00026 Public Comments Tab		7A	DMM Date Filed: 06/04/2021 DMM Document Title: Heritage Public Comment Response Matrix - Written Comments and Responses	94-C being passed without Public Comment is truly horrible and non-constitutional. The federal and state laws depict that citizens have a right to a comment.	Comments in Opposition Not Relevant to Content of Draft Permit	Comment noted. This is not relevant to the content of draft permit, so no further response will be provided.	EL § 94-c was enacted by the New York State Legislature effective April 3, 2020 to further the Climate Leadership and Community Protection Act (CLCPA). New York State's nation-leading law to combat climate change. As a legislative enactment, the Office defers comment due to separation of powers and limitations on the Office's authority as a state agency.
8	8	3/23/2021 17:42	DMM # 21-00026 Public Comments Tab		8A	DMM Date Filed: 06/04/2021 DMM Document Title: Heritage Public Comment Response Matrix - Written Comments and Responses DMM Item No.: 42	MY HUSBAND AND I HAVE LIVED ON OUR FARM IN BARRE SINCE 1979. WE ARE OPPOSED TO THE APEX/HERITAGE WIND PROJECT. SO MUCH HAS HAPPENED PROCEDURALLY IN OUR TOWN BETWEEN JANUARY AND MARCH IN 2021 AND WE FEEL WE HAVE NO SAY IN THE PROCESS. WHEN LOOKING TO VOICE MY CONCERN ON THE 94C PROCESS, WE FOUND OUT THERE WAS ALREADY A DRAFT PERMIT ISSUED BEFORE PUBLIC INPUT.	Comments in Opposition Not Relevant to Content of Draft Permit	This is not relevant to the content of draft permit. Comment noted. The sixty days following the issuance of the draft permit are dedicated to giving the public the chance to comment on the draft permit. In addition, there has been years of public interaction regarding the Heritage Wind Project through the Article 10 Public Involvement Plan.	Please see Comment 2B.
9	9	3/23/2021 17:45	DMM # 21-00026 Public Comments Tab		9A	DMM Date Filed: 06/04/2021 DMM Document Title: Heritage Public Comment Response Matrix - Written Comments and Responses DMM Item No.: 42	I have been a resident of Barre for 38 years.I haven't had an opportunity to participate in the 94 c process which will affect me and my family and so many others dramatically. Since January changes were being made and we are only now being allowed an opportunity to express our concerns. I now see there has been a draft permit issued. How is this possible without public comment?	Comments in Opposition Not Relevant to Content of Draft Permit	This is not relevant to the content of draft permit. Comment noted. The sixty days following the issuance of the draft permit are dedicated to giving the public the chance to comment on the draft permit. In addition, there has been years of public interaction regarding the Heritage Wind Project through the Article 10 Public Involvement Plan.	Please see Comment 2B.
10	10	3/23/2021 17:49	DMM # 21-00026 Public Comments Tab		10A	DMM Date Filed: 06/04/2021 DMM Document Title: Heritage Public Comment Response Matrix - Written Comments and Responses DMM Item No.: 42	I live in a serene old fashion town, which has wonderful evening stars and beautiful views of the moon. The light that will be part of this project in Barre will completely ruin all the peacefulness for all 2000 residents.	Comments in Opposition Not Relevant to Content of Draft Permit	Comment noted. This is not relevant to the content of draft permit, so no further response will be provided.	The Draft Permit addresses visual resources and mitigation in subpart 5- IV(f), (g), and (j)(1). In addition, the Draft Permit requires permittee to submit a Visual Impacts Minimization and Mitigation Plan in accordance with subpart 5-IV(j)(1), which includes an updated Wind Facility Lighting Plan and an updated Collector Substation Yard Lighting Plan, as specified in the site specific conditions at subparts 6(f) and (g). These conditions include requirements for the evaluation of Aircraft Detection Lighting System(s) (ADLS) and dimmable lighting options with the FAA/Department of Defense (DOD) in compliance with 19 NYCRR § 900-2.9(d)(9)(iii)(c), to avoid, minimize or mitigate potential nighttime impacts of the wind facility to the maximum extent practicable. See also Comment 4 above.
11	11	3/23/2021 19:24	DMM # 21-00026 Public Comments Tab		11A	DMM Date Filed: 06/04/2021 DMM Document Title: Heritage Public Comment Response Matrix - Written Comments and Responses DMM Item No.: 42	We support the Wind mills in Barre NY, as land owners. This area has always been always been very rural with limited jobs and lower/poor income for families. The Heritage Wind Project would bring much value to the area. It would boost jobs during the set up, it would bring additional income to the Town, School, County and State, plus lower or keep taxes from raising. Additional income in this area is very much needed, especially after the damage/decrease of income and taxes being collected during the year of COVID restrictions. This would not only help the people living in the area, it would bring a boost to the Farmers, so they can focus on farming for the rest of us and not worrying about higher taxes and decreasing margins on their crops.... ..So we are in favor of the Heritage Wind , please approve this	Comments in Support Not Relevant to Content of Draft Permit	Comment noted. This is not relevant to the content of draft permit, so no further response will be provided.	Comment noted.
12	12	3/24/2021 14:50	DMM # 21-00026 Public Comments Tab		12A	DMM Date Filed: 06/04/2021 DMM Document Title: Heritage Public Comment Response Matrix - Written Comments and Responses	I am very much in support of the Heritage Wind Project I can't think of a better way to inoculate our communities from future economic, climate, and population collapse, than by infusing many point sources of community members, those who have often been the most steadfast, with economic benefits, by farming very wind that erodes our land. This project will serve as a beacon of hope for our town, county, State, and Country. Let it shine bright!	Comments in Support Not Relevant to Content of Draft Permit	Comment noted. This is not relevant to the content of draft permit, so no further response will be provided.	Comment noted.
13	13	3/25/2021 15:47	DMM # 21-00026 Public Comments Tab		13A	DMM Date Filed: 06/04/2021 DMM Document Title: Heritage Public Comment Response Matrix - Written Comments and Responses DMM Item No.: 42	We fully support the Heritage Wind project! We have reached a point in society that we are using electricity more than ever, and using renewable energy sources to generate electricity is the best way to go for the environment. Most alternatives damage the environment, but wind is something we always have lots of in Barre!	Comments in Support Not Relevant to Content of Draft Permit	Comment noted. This is not relevant to the content of draft permit, so no further response will be provided.	Comment noted.
14	14	3/26/2021 11:14	DMM # 21-00026 Public Comments Tab		14A	DMM Date Filed: 06/04/2021 DMM Document Title: Heritage Public Comment Response Matrix - Written Comments and Responses DMM Item No.: 42	I am opposed to the Heritage Wind project proposed for the Town of Barre. As an architect and a property owner who has invested heavily in an historic property in Barre for over 20 years, I am concerned about the lack of consideration for the welfare of the town's people and their environment, both natural and human made. In a state that once was proud to have home rule, the voices of those most affected by a life-changing action on the part of the state are being silenced through the creation and implementation of Section 94-c. The very corporations that are supposed to be controlled by this law are the ones who wrote it, just as the changes to the Barre Zoning Law relating to wind development were written by the applicant which wishes to construct the wind project in the town. Turbine height, spacing and other requirements were changed to expressly allow the applicant to construct a wind plant that benefits them, not the residents of the town. The landowners who have signed leases with the wind developer are, of course, in favor of this project. Despite ample evidence from other communities that now suffer from turbines in their midst, the pro-wind officials and leaseholders believe they personally will benefit financially, and continue to parrot the alleged benefits of wind energy touted by the wind industry. However, industrial wind power is not green, is not reliable, and destroys the human community when it is inserted in heavily settled areas like Barre. The wind resource in Barre is so poor that Heritage Wind has had to resort to extremely tall turbines specifically designed to operate in mediocre wind conditions. The belt of such turbines stretching across the town will affect hundreds of people who live near these turbines, and thanks to the new review procedures of Section 94-c, we now have practically no power to protect ourselves. The Section 94-c review process is ludicrous, if not legally dubious. Operating only on draft regulations which have not yet been approved, the newly created ORES is designed to push through wind projects as quickly as possible, while ignoring the scientists' and environmental specialists' concerns about the effects of such projects. As the current scandal about Governor Andrew Cuomo has revealed, such ruthless and brutal tactics are typical of this Governor. No doubt his large re-election war chest has been fattened by wind industry lobbyists, and he thought purporting himself as the Green Governor would help him win a fourth term. Weakening the protections of Article 10, which itself undercut home rule, by setting up a new review board that consists of three political appointees of the Governor and not a single representative of the affected community, is one more example of the wrong headed but entirely self-serving nature of this Cuomo administration. If this wind project is approved and built, it will stand for a generation as a monument to the corruption and greed of all involved.	Comments in Opposition Not Relevant to Content of Draft Permit	This is not relevant to the content of draft permit. Comment noted. Section 94-c Regulations were finalized and became effective on March 3, 2021, prior to Heritage Wind receiving a draft permit on March 15, 2021.	Comment noted.
15	15	3/30/2021 17:55	DMM # 21-00026 Public Comments Tab		15A	DMM Date Filed: 06/04/2021 DMM Document Title: Heritage Public Comment Response Matrix - Written Comments and Responses DMM Item No.: 42	As a resident of the town of Barre, I would like to express my total support for the Heritage Wind Project. We must move from fossil fuel to green energy as soon as possible not only to provide safer energy sources but to allow our children and grandchildren to have a livable planet. Residents struggling with high taxes will find a much lower tax burden as a result of the project. There will be numerous other benefits for the residents, the town, Albion school, and the county that will help many people. Struggling farmers will find relief and be able to continue farming, and pass their business down to the next generation. Good jobs will be available in an area where jobs are scarce. Opponents of the project have no factual arguments to offer, as they are relying on outdated or poor information at best. This project must happen!	Comments in Support Not Relevant to Content of Draft Permit	Comment noted. This is not relevant to the content of draft permit, so no further response will be provided.	Comment noted.

16	16	3/30/2021 19:00	DMM # 21-00026 Public Comments Tab		16A	DMM Date Filed: 06/04/2021 DMM Document Title: Heritage Public Comment Response Matrix - Written Comments and Responses	As a life long resident of Barre, I am in support of the Heritage Wind Project. I am looking forward to lower taxes and all the benefits from the project.	Comments in Support Not Relevant to Content of Draft Permit	Comment noted. This is not relevant to the content of draft permit, so no further response will be provided.	Comment noted.
17	17	4/3/2021 12:45	DMM # 21-00026 Public Comments Tab		17A	DMM Date Filed: 06/04/2021 DMM Document Title: Heritage Public Comment Response Matrix - Written Comments and Responses DMM Item No.: 42	<p>As a long time resident of Barre NY, I am opposed to the Heritage Wind Project. Many studies and more research are needed as outlined below. This I believe is the primary reason that this project was switched to 94-c, where public input is limited and home rule is stepped on.</p> <p>The placement of large turbines in a residential setting is relatively new and studies of possible impacts are very limited. There are many health problems being reported by turbine construction close to occupied dwellings and these reports should be fully investigated before more such facilities are put into operation. Especially a turbine farm that is proposing the tallest turbines anywhere in the United States.</p> <p>The impact on the wildlife in the area has not been fully investigated either. Barre sits right in the middle of flyways to major migratory stopovers. At the eastern edge of Barre where many of the turbines are to be placed, are large cornfields that migrating waterfowl rely on for nourishment.</p> <p>Placement of these turbines will pose a great risk to these birds as the tip speed of the turbine is in excess of 100 mph which birds can't escape. Also vibrations from the turbines will have a great impact on turtle reproduction as the vibrations cause decreased hatchability. Several of the turbines are located very close to wetlands and to a vital natural community. There have been no studies done on the impact to reptiles in the Barre area nor the impact on the wetlands. Further research is needed.</p> <p>Turbine farms also cause a disruption to communications. I experienced this first hand while serving abroad in the Marine Corps. Several times while operating in turbine areas our comms were greatly diminished. In a populated area as Barre where we rely on satellite and cell phone coverage, the introduction of turbines will further impede our contact with the outside world. The possible disruption of communications poses a clear and present danger to the community. Once again more studies are needed.</p> <p>The electric grid in the area is not sufficient for the addition of the turbine farm as evidenced by an article in the news about a 180 million dollar project to run a 20 mile powerline in the neighboring counties to make the power grid more resilient. No studies have been done to see what is required here and if it will limit the amount of power that is already being produced by Hydro-electric plants in the region.</p>	Comments in Opposition Not Relevant to Content of Draft Permit	Public health and safety are addressed in Exhibit 15 of the Article 10 application. Setbacks from occupied dwellings are in-line with other wind projects across the state that are operating safely. Numerous environmental studies have been conducted and can be found in the Article 10 Application, including: Invasive Species Survey and Control Plan, Vernal Pool Survey, Wetland Delineation Survey, Avian and Eagle Risk Assessment (Wintering Grassland Raptor Surveys, Small Bird, Large Bird, and Eagle Use Surveys, Breeding Bird surveys, Bat Habitat Mapping, Raptor Migration Surveys, Aerial Raptor Nest Surveys, Habitat Fragmentation Analysis) Cumulative Impact Analysis for Birds and Bats, Net Conservation Benefit Plan for Bats. A communications study was also conducted for the project, which is included in Exhibit 26 of the Article 10 Application. With respect to wildlife concerns, please see Attachment "Technical Memorandum for Heritage Wind's Response to Proposed Issues and Public Comments on Avian Issues"	Please see response to Comment 4 above. Wind turbine height complies with Barre Town Code § 350-103(6). Based upon the Office's thorough review of the application materials in consultation with NYSDEC, the Draft Permit (DMM Item No. 25) includes Uniform Standards and Conditions (USCs) (subpart 5), site specific conditions (subpart 6), and mandatory compliance filings (subpart 7) to avoid, minimize or mitigate potential significant adverse environmental impacts to the maximum extent practicable. See EL § 94-c(3)(d) and 19 NYCRR subparts 6 and 10. The permittee is also required to implement any impact avoidance, minimization or mitigation measures identified in the application exhibits, compliance filings or plans required under the Draft Permit or 19 NYCRR part 900. See Draft Permit, subpart 5-(a). Potential impacts to wildlife (including avian and bat species) were an issue in the recent adjudicatory hearing, and are currently before the Executive Director for final decision on or before January 13, 2022.
18	18	4/6/2021 14:02	DMM # 21-00026 Public Comments Tab		18A	DMM Date Filed: 06/04/2021 DMM Document Title: Heritage Public Comment Response Matrix - Written Comments and Responses DMM Item No.: 42	I am opposed to the Wind Turbines, and believe they will damage the property values in the area, as well as creating sound and light disturbances for the surrounding areas. I also believe these turbines will negatively impact wildlife such as migratory birds.	Comments in Opposition Not Relevant to Content of Draft Permit	Comment noted. This is not relevant to the content of draft permit, so no further response will be provided. With respect to wildlife concerns, please see Attachment "Technical Memorandum for Heritage Wind's Response to Proposed Issues and Public Comments on Avian Issues"	Please see response to Comments 4 and 5 above. Please also see responses to Comment 10 above concerning Aircraft Detection Lighting System (ADLS) technology, and Comment 17 above regarding potential wildlife impacts.
19	19	4/7/2021 17:29	DMM # 21-00026 Public Comments Tab		19A	DMM Date Filed: 06/04/2021 DMM Document Title: Heritage Public Comment Response Matrix - Written Comments and Responses	I am in support of this project in Barre. After researching on my own and talking to people living near other wind farms for quite some time, I feel that this wind energy project would be a great asset to our community and county. This project would not only support land owners, but the community as a whole. With renewable energy becoming the future of electric generation, I would be proud to be part of the effort to make our world a better place for our children and grandchildren to grow up in.	Comments in Support Not Relevant to Content of Draft Permit	Comment noted. This is not relevant to the content of draft permit, so no further response will be provided.	Comment noted.
20	20	4/7/2021 18:20	DMM # 21-00026 Public Comments Tab		20A	DMM Date Filed: 06/04/2021 DMM Document Title: Heritage Public Comment Response Matrix - Written Comments and Responses DMM Item No.: 42	<p>As a lifelong resident and farmer in the town of Barre, I am very supportive of the Heritage Wind project. The project will bring a lot of revenue to the town, which has the highest tax rate in the whole county. There are not many businesses coming to Barre, and there are not many revenue sources aside from property taxes, water bills, and dog licenses. The money a project like Heritage will bring will have a huge economic benefit to taxpayers, while still maintaining the character of our town.</p> <p>I am also supportive of the draft permit issued by ORES as written. The Uniform Standards and Conditions issued are in line with the new wind ordinance the town passed in February of this year. I followed the town board's efforts to update the wind ordinance for years. They have put in countless hours of research and had dozens of meetings and workshops to come up with the standards in the ordinance. I am confident that the town's wind law and the draft permit will protect our residents while still allowing the project to be built.</p> <p>Lastly, many project opponents have left comments about the lack of public input in Section 94-c. I recall in December ORES held several public hearings and a lengthy written comment period regarding the Uniform Standards and Conditions, one of which I attended. That was an opportunity for residents to provide any input ahead of this draft permit. Now, we are in a public comment period for the draft permit. Rather than leaving substantive comments, I see several people are just voicing their frustration about their lack of a say. Now is the time! Aside from that, back in the Article 10 process, as well as at all of the town board meetings, residents have made their opinions known about the project. I see no lack of opportunity for public input regarding this project.</p> <p>I am excited to see this project built and for our town to benefit. I urge ORES to issue Heritage Wind a permit.</p>	Comments in Support Not Relevant to Content of Draft Permit	Comment noted. This is not relevant to the content of draft permit, so no further response will be provided.	Comment noted.
21	21	4/7/2021 19:43	DMM # 21-00026 Public Comments Tab		21A	DMM Date Filed: 06/04/2021 DMM Document Title: Heritage Public Comment Response Matrix - Written Comments and Responses DMM Item No.: 42	I am writing in support of the project proposed by Heritage Wind in the Town of Barre. I am generally supportive of renewable energy and the opportunity for the Town of Barre to make a contribution to green energy. It is a good opportunity for the town to add a revenue source while not losing a lot of the farmland that is our primary industry. Local landowners have a opportunity to supplement their income. It will bring a few hundred temporary jobs that will support our local economy and boost the businesses in neighboring towns. My understanding is that several permanent jobs will result from this project as well. In my opinion, the benefits outweigh the costs and the majority of the town seems to be generally in favor of the project. It is like a breath of fresh air to anticipate some new activity in the town.	Comments in Support Not Relevant to Content of Draft Permit	Comment noted. This is not relevant to the content of draft permit, so no further response will be provided.	Comment noted.
22	22	4/7/2021 19:55	DMM # 21-00026 Public Comments Tab		22A	DMM Date Filed: 06/04/2021 DMM Document Title: Heritage Public Comment Response Matrix - Written Comments and Responses	I live in the town of Barre. I am very much in favor of locating the wind turbines in my town. Our town has very little industry except for farming. The revenue from these wind turbines will allow our town to decrease taxes and to fund other projects previously unaffordable.	Comments in Support Not Relevant to Content of Draft Permit	Comment noted. This is not relevant to the content of draft permit, so no further response will be provided.	Comment noted.
23	23	4/9/2021 10:20	DMM # 21-00026 Public Comments Tab		23A	DMM Date Filed: 06/04/2021 DMM Document Title: Heritage Public Comment Response Matrix - Written Comments and Responses	<p>It is very sad that it would take four years to get approval for a project in New York</p> <p>I was on the County Planning for about 20 years, the town ZBA, town Planning Board and the Town Board and almost every project that came before us there was a person or group opposed. There has been so much misinformation on these wind projects that has blocked these projects. You will see these towers for miles but most of the objections are not a real problem. Give Apex the permits they need or send them to another State that is easier to work in</p>	Comments in Support Not Relevant to Content of Draft Permit	Comment noted. This is not relevant to the content of draft permit, so no further response will be provided.	Comment noted. The Office strives to make the application siting process as transparent as possible for the public.
24	24	4/9/2021 13:47	DMM # 21-00026 Public Comments Tab		24A	DMM Date Filed: 06/04/2021 DMM Document Title: Heritage Public Comment Response Matrix - Written Comments and Responses	<p>We support the Heritage Wind Project, to be located in Barre New York. Wind energy is a vital and intricate part of the over all sustainable energy program. Wind energy plays a vital role in providing green energy, not only as a form of direct electricity to businesses and homes, but as a green source for the production of hydrogen which will be used in hydrogen fuel cells to also produce power for again, homes, businesses, buses, trains and vehicle transportation in the broader sense...</p> <p>...Yes, we support the Heritage Wind Project because it is the RIGHT thing to do.</p>	Comments in Support Not Relevant to Content of Draft Permit	Comment noted. This is not relevant to the content of draft permit, so no further response will be provided.	Comment noted.

25	25	4/9/2021 16:49	DMM # 21-00026 Public Comments Tab		25A	DMM Date Filed: 06/04/2021 DMM Document Title: Heritage Public Comment Response Matrix - Written Comments and Responses DMM Item No.: 42	Thank you for considering the Heritage Wind permit. We are so proud of our SteelWinds project here in the Buffalo area! I think more people need to understand how big the challenge is to replace all the fossil fuel generation that exists in NY State. We need to act on this now, especially in the windier locations throughout the state. The alternate of allowing the climate crisis to continue is a horrible choice. A stable climate is essential to the continuation of our civilization.	Comments in Support Not Relevant to Content of Draft Permit	Comment noted. This is not relevant to the content of draft permit, so no further response will be provided.	Comment noted.
26	26	4/11/2021 22:28	DMM # 21-00026 Public Comments Tab		26A	DMM Date Filed: 06/04/2021 DMM Document Title: Heritage Public Comment Response Matrix - Written Comments and Responses DMM Item No.: 42	I am a strong advocate for renewable/green energy sources, but only when they are installed and used in proper locations (ie. offshore wind). It has been scientifically proven (with empirical evidence to support) that wind turbines installed in or near residential communities have caused significant environmental issues that can negatively impact local residents and wildlife. These installations can cause ground water pollution as wind turbine vibration disrupts bedrock and pollute water sources and wells with shale, clay, rock and minerals. There is documented medical evidence from physicians treating rural patients reporting adverse effects from exposure to industrial wind turbines including anxiety, depression, cognitive dysfunction, sleep disturbance, headache and an overall decrease in quality of life. There is also the obvious negative impact of disruption to local wildlife and migratory birds. The benefit of the small amount of energy derived from these turbines is far outweighed by the negative health consequences of local residents and the environmental/wildlife community. This project should NOT move forward.	Comment in Opposition Not Relevant to Content of Draft Permit	This is not relevant to the content of draft permit. Comment noted. Water resources are addressed in Exhibit 23 of the Article 10 Application. Public Health and Safety is addressed in Exhibit 15 of the Article 10 Application. With respect to wildlife concerns, please see Attachment "Technical Memorandum for Heritage Wind's Response to Proposed Issues and Public Comments on Avian Issues"	Please see responses to Comments 4 and 17 above.
27	27	4/12/2021 7:59	DMM # 21-00026 Public Comments Tab		27A	DMM Date Filed: 06/04/2021 DMM Document Title: Heritage Public Comment Response Matrix - Written Comments and Responses DMM Item No.: 42	I do not want these turbines in Barre, nyl 33 turbines at a massive 700' is absolutely insane, the amount of energy needed to create, transport and install these will be tremendous. The effect on the migratory fly way will be detrimental.	Comments regarding tip height concerns.	Per the draft permit, the maximum tip height is 675 feet. This tip height was addressed in the Visual Impact Assessment (Appendix 24-A) in the Article 10 Application. With respect to wildlife concerns, please see Attachment "Technical Memorandum for Heritage Wind's Response to Proposed Issues and Public Comments on Avian Issues"	Please see responses to Comments 4 and 17 above.
28	28	4/12/2021 9:39	DMM # 21-00026 Public Comments Tab		28A	DMM Date Filed: 06/04/2021 DMM Document Title: Heritage Public Comment Response Matrix - Written Comments and Responses	The whole state and local community will benefit from this project. We need renewable energy projects like this one to meet the aggressive goals set for NY state. The section 94-c permitting process is a positive step forward in getting projects like this to the finish line.	Comments in Support Not Relevant to Content of Draft Permit	Comment noted. This is not relevant to the content of draft permit, so no further response will be provided.	Comment noted.
29	29	4/12/2021 9:57	DMM # 21-00026 Public Comments Tab		29A	DMM Date Filed: 06/04/2021 DMM Document Title: Heritage Public Comment Response Matrix - Written Comments and Responses	I am in support of the Heritage Wind project. We need clean energy projects to be built all across our state to help fight climate change for further generations. The uniform standards and conditions in section 94-c will allow for safe and responsible wind projects to be built. I urge ORES to issue Heritage Wind a permit to help shift NY toward our renewable energy goals.	Comments in Support Not Relevant to Content of Draft Permit	Comment noted. This is not relevant to the content of draft permit, so no further response will be provided.	Comment noted.
30	30	4/12/2021 13:58	DMM # 21-00026 Public Comments Tab		30A	DMM Date Filed: 06/04/2021 DMM Document Title: Heritage Public Comment Response Matrix - Written Comments and Responses	I live in Buffalo NY and I support the Heritage Wind Project. We need more renewable energy projects in NY. Fossil fuels don't cut it anymore. We need sustainable and clean energy that will help future generations. The conditions in the draft permit will allow wind turbines to operate safely.	Comments in Support Not Relevant to Content of Draft Permit	Comment noted. This is not relevant to the content of draft permit, so no further response will be provided.	Comment noted.
31	31	4/12/2021 14:22	DMM # 21-00026 Public Comments Tab		31A	DMM Date Filed: 06/04/2021 DMM Document Title: Heritage Public Comment Response Matrix - Written Comments and Responses	I am in full support of the Heritage wind project in Barre. Projects like this will benefit both the local community and the entire state. The permitting process accounts for any adverse effects the turbines could possibly have on wildlife, waterways and/or visual impediments. It ensures the mitigation of any negative effects that the public may be concerned about. Overall, this project is beneficial to the economy and health of the land. It is essential that this project is approved in order to contribute to the continued success of NY's clean energy initiatives.	Comments in Support Not Relevant to Content of Draft Permit	Comment noted. This is not relevant to the content of draft permit, so no further response will be provided.	Comment noted.
32	32	4/12/2021 19:41	DMM # 21-00026 Public Comments Tab		32A	DMM Date Filed: 06/04/2021 DMM Document Title: Heritage Public Comment Response Matrix - Written Comments and Responses DMM Item No.: 42	I am against windmills. 700' is excessive, I don't feel that the residents of Barre are going to benefit from them (only the landowners where the windmills will be placed), windmill power is such a low percentage of usage that it's not worth the cost, upkeep, or ill will amongst the community. I also feel that this whole process has been "shady" and we as a community are being duped into accepting the windmill project. As far as property values, blade noise, traffic, bird migration, human illness, etc. goes.. anyone can come up with a list of pros and cons. Our taxes won't go down, we all know that. I think this decision should be decided by the majority vote of taxpayers...a legitimate ID showing, sign in vote.	Comments regarding tip height concerns.	Per the draft permit, the maximum tip height is 675 feet. This tip height was addressed in the Visual Impact Assessment (Appendix 24-A) in the Article 10 Application.	Please see responses to Comments 4, 5 and 17 above.
33	33	4/12/2021 22:21	DMM # 21-00026 Public Comments Tab		33A	DMM Date Filed: 06/04/2021 DMM Document Title: Heritage Public Comment Response Matrix - Written Comments and Responses	I am in support of the Heritage Wind Project. This project will benefit not only the local community, but the entire state as well. We need more renewable energy projects like this to move forward and try to reverse some of the damage that has been done to our earth. I have had the unique opportunity to visit surrounding communities who are 10+ years ahead of this project and the benefits are numerous, financial as well as as environmental. Approving this proposal would be a large step towards bettering our communities, large and small.	Comments in Support Not Relevant to Content of Draft Permit	Comment noted. This is not relevant to the content of draft permit, so no further response will be provided.	Comment noted.
34	34	4/12/2021 22:26	DMM # 21-00026 Public Comments Tab		34A	DMM Date Filed: 06/04/2021 DMM Document Title: Heritage Public Comment Response Matrix - Written Comments and Responses	I am in support of this proposal. Moving towards more renewable energy will benefit the local community, and the entire state, for years to come.	Comments in Support Not Relevant to Content of Draft Permit	Comment noted. This is not relevant to the content of draft permit, so no further response will be provided.	Comment noted.
35	35	4/13/2021 13:07	DMM # 21-00026 Public Comments Tab		35A	DMM Date Filed: 06/04/2021 DMM Document Title: Heritage Public Comment Response Matrix - Written Comments and Responses DMM Item No.: 42	Don't let the address fool you. I reside in the town of Barre. I am opposed to this project for many reasons. Failure to do proper long term studies of these industrial machines, (largest in America) in a rural community? Failure to ensure there is proper means to transmit the power to where it is needed. The ORES draft permit waives many of the town laws and has taken the voice of the citizens away. The wind energy craze that is being pushed into this area is not needed as there is insufficient wind to generate the energy and our current use of hydro-electric generation is not being completely utilized, a form of green energy that has been in the region for 50 years. Please deny this request by the developer who will just sell the project and move on leaving behind an industrial junkyard.	Comments regarding local law waivers.	Several years of studies were performed in connection with this project and are included in the Application and Transfer Application materials. This included studies related to transmission capacity and ability of the transmission system to handle the electricity generated by the Facility, as well as potential impacts on the power grid, such as hydroelectric plants, and the suitability of the site for wind energy generation (Application Exhibits 5, 8, 10 and 34, Appendix 5-A, System Reliability Impact Study; see also, Transition Application Overview). This comment takes issue with the Section 94-c process and ORES's ability to waive local laws. To the extent that the comment takes issue with ORES's specific decision to waive local laws in this case, the Record supports the waivers. Exhibit 31 of the Application outlines the unreasonably burdensome nature of the provisions for which a waiver was sought. The Town of Barre has since amended its local laws to remove many provisions for which a waiver was needed, and to clarify other provisions. The Draft Permit does not reflect these local law changes adopted in early 2021. Lastly, in terms of process, the Section 94-c process provides the Town with the opportunity to assess compliance with local laws through a Municipal Statement of Compliance and to raise any substantive and significant issues related to, for example, local law compliance or waivers, in their Statement of Issues. The Town of Barre submitted a Statement of Issues and Municipal Statement of Compliance on May 18, 2021.	Please see responses to comments 2B, 4 and 17 above. The Draft Permit addresses requirements for decommissioning and site restoration in subpart 5-VI and the site specific conditions at 6(h), and requires the permittee to implement the approved Decommissioning and Site Restoration Plan in compliance with 19 NYCRR §900-2.24. In compliance with the CLCPA, New York State is pursuing multiple renewable energy options to transform the State to a carbon-free economy, including measures to upgrade transmission capacity statewide. While hydropower is included in the diverse mix of energy options, it is not a replacement for the major (utility-scale) wind and solar projects that are necessary to achieve CLCPA targets of 70% clean energy by 2030 and carbon-free electrical generation by 2040.

36	36	4/13/2021 18:05	DMM # 21-00026 Public Comments Tab		36A	DMM Date Filed: 06/04/2021 DMM Document Title: Heritage Public Comment Response Matrix - Written Comments and Responses	New York "needs" to accept clean and green energy projects in order to meet our high energy demands. We need projects like this to be green lot to help secure our future.	Comments in Support Not Relevant to Content of Draft Permit	Comment noted. This is not relevant to the content of draft permit, so no further response will be provided.	Comment noted.
37	37	4/14/2021 17:17	DMM # 21-00026 Public Comments Tab		37A	DMM Date Filed: 06/04/2021 DMM Document Title: Heritage Public Comment Response Matrix - Written Comments and Responses DMM Item No.: 42	Fully supportive of Heritage Wind , LLC wind turbines in the town of Barre, NY	Comments in Support Not Relevant to Content of Draft Permit	Comment noted. This is not relevant to the content of draft permit, so no further response will be provided.	Comment noted.
38	38	4/14/2021 17:20	DMM # 21-00026 Public Comments Tab		38A	DMM Date Filed: 06/04/2021 DMM Document Title: Heritage Public Comment Response Matrix - Written Comments and Responses	Fully supportive of Heritage Wind , LLC wind turbines in the town of Barre, NY	Comments in Support Not Relevant to Content of Draft Permit	Comment noted. This is not relevant to the content of draft permit, so no further response will be provided.	Comment noted.
39	39	4/14/2021 17:30	DMM # 21-00026 Public Comments Tab		39A	DMM Date Filed: 06/04/2021 DMM Document Title: Heritage Public Comment Response Matrix - Written Comments and Responses DMM Item No.: 42	Fully supportive of Heritage Wind , LLC wind turbines in the town of Barre, NY	Comments in Support Not Relevant to Content of Draft Permit	Comment noted. This is not relevant to the content of draft permit, so no further response will be provided.	Comment noted.
40	40	4/15/2021 13:45	DMM # 21-00026 Public Comments Tab		40A	DMM Date Filed: 06/04/2021 DMM Document Title: Heritage Public Comment Response Matrix - Written Comments and Responses	Totally supportive of Heritage Wind, LLC turbine project in town of Barre, Orleans County.	Comments in Support Not Relevant to Content of Draft Permit	Comment noted. This is not relevant to the content of draft permit, so no further response will be provided.	Comment noted.
41	41	4/15/2021 14:01	DMM # 21-00026 Public Comments Tab		41A	DMM Date Filed: 06/04/2021 DMM Document Title: Heritage Public Comment Response Matrix - Written Comments and Responses	Supporting the Heritage Wind, LLC turbine project in Town of Barre. Great!	Comments in Support Not Relevant to Content of Draft Permit	Comment noted. This is not relevant to the content of draft permit, so no further response will be provided.	Comment noted.
42	42	4/15/2021 14:10	DMM # 21-00026 Public Comments Tab		42A	DMM Date Filed: 06/04/2021 DMM Document Title: Heritage Public Comment Response Matrix - Written Comments and Responses DMM Item No.: 42	Supporting the Heritage Wind, LLC turbine project in Town of Barre. Thank you	Comments in Support Not Relevant to Content of Draft Permit	Comment noted. This is not relevant to the content of draft permit, so no further response will be provided.	Comment noted.
43	43	4/15/2021 14:13	DMM # 21-00026 Public Comments Tab		43A	DMM Date Filed: 06/04/2021 DMM Document Title: Heritage Public Comment Response Matrix - Written Comments and Responses	Fully supportive of Heritage Wind Turbines in town of Barre, in Orleans County	Comments in Support Not Relevant to Content of Draft Permit	Comment noted. This is not relevant to the content of draft permit, so no further response will be provided.	Comment noted.
44	44	4/15/2021 14:16	DMM # 21-00026 Public Comments Tab		44A	DMM Date Filed: 06/04/2021 DMM Document Title: Heritage Public Comment Response Matrix - Written Comments and Responses	Please know that I do support the Wind Turbines, with Heritage LLC, in the town of Barre, Albion, NY	Comments in Support Not Relevant to Content of Draft Permit	Comment noted. This is not relevant to the content of draft permit, so no further response will be provided.	Comment noted.
45	45	4/15/2021 14:19	DMM # 21-00026 Public Comments Tab		45A	DMM Date Filed: 06/04/2021 DMM Document Title: Heritage Public Comment Response Matrix - Written Comments and Responses	Support Heritage Wind turbine project in town of Barre, Orleans County, Albion, NY	Comments in Support Not Relevant to Content of Draft Permit	Comment noted. This is not relevant to the content of draft permit, so no further response will be provided.	Comment noted.
46	46	4/15/2021 14:24	DMM # 21-00026 Public Comments Tab		46A	DMM Date Filed: 06/04/2021 DMM Document Title: Heritage Public Comment Response Matrix - Written Comments and Responses	Supporting fully the Heritage Wind project in town of Barre, Orleans County	Comments in Support Not Relevant to Content of Draft Permit	Comment noted. This is not relevant to the content of draft permit, so no further response will be provided.	Comment noted.
47	47	4/15/2021 16:36	DMM # 21-00026 Public Comments Tab		47A	DMM Date Filed: 06/04/2021 DMM Document Title: Heritage Public Comment Response Matrix - Written Comments and Responses DMM Item No.: 42	I am not a resident of the Town of Barre but as a life-long area resident I appreciate the wonderful wildlife we have from the nature preserve to the south of Barre. I urge residents to be cognizant of the migratory birds that fly over the town- -birds are no match for large wind turbines- the US Fish and Wildlife Service estimates as many as 500,000 birds (not Robins and Sparrows but large birds) and upwards of 750,000 bats are killed each year by industrial wind turbines. Moreover, these large turbines are totally inappropriate for siting within close proximity to residences. These large turbines are annoying to live near at best and harmful at worst. If fewer people choose to live in areas in proximity to these turbines then property values will fall. Lastly, I think it is shameful for the state to railroad massive projects like this on a local area- -these decisions are properly left to local citizens.	Comments Regarding Wildlife	Bat mitigation is addressed as part of the Net Conservation Benefit Plan included in the Article 10 Application and Section 94-c transfer application. Setbacks from occupied dwellings are in-line with other wind projects across the state that are operating safely. With respect to wildlife concerns, please see Attachment "Technical Memorandum for Heritage Wind's Response to Proposed Issues and Public Comments on Avian Issues"	Please see responses to Comments 4, 5 and 17 above.
50A	50	4/16/2021 17:14	DMM # 21-00026 Public Comments Tab		48A	DMM Date Filed: 06/04/2021 DMM Document Title: Heritage Public Comment Response Matrix - Written Comments and Responses DMM Item No.: 42	My wife ,Nancy, and I have studied the effects of industrial wind in NY for 13 years. Every town that has agreed to allow wind energy in such as Cohocton and Arkwright, have been disappointed with what was promised and what actually happens. Many people have been forced out of their homes due to audible and infrasound noise, flicker, and insomnia and headaches directly related to the turbines. These proposed for Barre are the largest inland turbines in the USA. Not enough research has been done on placement of 680' turbines in a small community. Many counties' health departments have declared large turbines a public health hazard.	Comment in Opposition Not Relevant to Content of Draft Permit	Comment noted. This is not relevant to the content of draft permit, so no further response will be provided.	Please see response to Comment 4 above.

50B	50	4/17/2021 17:14	DMM # 21-00026 Public Comments Tab		48B	DMM Date Filed: 06/04/2021 DMM Document Title: Heritage Public Comment Response Matrix - Written Comments and Responses DMM Item No.: 42	The AWEA has a map of NYS that shows our area of Barre as MARGINAL for wind production. not fair, not good, not excellent but MARGINAL. Hence my prediction that along with this project being a waste of prime farmland but also like other NY towns; that our electric rates will increase as will our taxes after a few years. People will leave being forced to sell at values up to 50% less than the current market.	Comment in Opposition Not Relevant to Content of Draft Permit	Comment noted. This is not relevant to the content of draft permit, so no further response will be provided.	The permittee has determined that the proposed facility design and layout is sufficient to generate approximately 184 MW of clean, renewable wind energy and meet all commitments in regard to the feasibility of the project. Publicly available AWEA maps of NYS are a reference tool only, and do not show sufficient detail to determine wind production capacity of a specific land plot. Disclaimer for AWEA maps state, "Although this digital spatial database has been subjected to rigorous review and is substantially complete, it is released on the condition that neither the USGS, LBNL, ACP nor the United States Government nor any agency thereof, nor any employees thereof, makes any warranty, expressed or implied, or assumes any legal liability or responsibility for the accuracy, completeness, or usefulness of any information contained within the database."
50C	50	4/18/2021 17:14	DMM # 21-00026 Public Comments Tab		48C	DMM Date Filed: 06/04/2021 DMM Document Title: Heritage Public Comment Response Matrix - Written Comments and Responses DMM Item No.: 42	Barre is right in the middle of a migration flyway for Snow and Canadian geese and bats ducks and other birds. Eagles have been spotted in the last 2 years all over Barre. We are within 20 miles of 2 nature preserves (Iroquois).	Comments Regarding Wildlife	With respect to wildlife concerns, please see Attachment "Technical Memorandum for Heritage Wind's Response to Proposed Issues and Public Comments on Avian Issues"	Please see response to Comment 17 above.
51	51	4/17/2021 7:27	DMM # 21-00026 Public Comments Tab		49A	DMM Date Filed: 06/04/2021 DMM Document Title: Heritage Public Comment Response Matrix - Written Comments and Responses DMM Item No.: 42	I used to live in Buffalo and love the growing commitment of the city to renewable energy. Living in Rochester now I realize the environmental impact industrialization had on this region. The wind turbines in Orleans County are an additional commitment to decreasing the carbon footprint and increasing the health of those in Western New York. Wind farms combat climate change by reducing fossil fuel emissions and thus have a positive effect on plant and animal species within the area. The agricultural farms can expect increased yields secondary to increased bee populations that increase in adjacent wind turbine areas (Pustkowiak et al., 2018). If not implemented properly, citizens within the area can experience some negative effects from wind turbines, also described as a consistent hum. There are several lists of best practice recommendations to ensure positive adoption of a wind farm and they should be instated in this project and all future projects (Knopper et al., 2014).	Comment in Support Not Relevant to Content of Draft Permit	Comment noted. This is not relevant to the content of draft permit, so no further response will be provided.	Comment noted.
52	52	4/18/2021 18:04	DMM # 21-00026 Public Comments Tab		50A	DMM Date Filed: 06/04/2021 DMM Document Title: Heritage Public Comment Response Matrix - Written Comments and Responses DMM Item No.: 42	I am a climate activist with the Sierra Club. This project will bring many benefits to the community through the clarity and standards that the Section 94-c process provides. The revenues for schools, municipal needs and other local projects in Orleans County will benefit the economy. We expect that this new law will make NY a champion for clean energy in the east. Many projects have folded up and gone to other states because of the cumbersome Article 10 process. I had the pleasure of riding around the site area with the Naturalists that are working so hard for Apex to make sure our wildlife is protected and all negative affects are mitigated. It was really impressive the passion that these scientists had for the environment. Clearly, we need these projects where the wind blows. Not everyone will be happy with every project but the farmers will be able to keep their land, the tax payers will save money, the grid will be greener, there will be hundreds of construction jobs and 6 full time jobs after completion. We will be turning a corner to slow down the very harshest effects of climate disruption. This is an important step for the future!	Comment in Support Not Relevant to Content of Draft Permit	Comment noted. This is not relevant to the content of draft permit, so no further response will be provided.	Comment noted.
53A	53	4/19/2021 14:53	DMM # 21-00026 Public Comments Tab		51A	DMM Date Filed: 06/04/2021 DMM Document Title: Heritage Public Comment Response Matrix - Written Comments and Responses DMM Item No.: 42	The height as listed in the application is proposed to be 686' tall, this would be the tallest industrial wind turbines on land in the United States. Currently, the tallest industrial wind turbine is in Texas and stands at 653.5 feet and is a single turbine by West Texas A&M University. "As I mentioned in our phone conversation, the noisiest time for the turbines is when the wind speed is above the rated wind speed (usually above 11m/s). During these high winds, the blades are pitched to control power and portions of the blades stall. The stalled parts of the blades generate noise that propagates mostly down wind of the turbines.	Comments regarding tip height concerns.	Per the draft permit, the maximum tip height is 675 feet. This tip height was addressed in the Visual Impact Assessment (Appendix 24-A) in the Article 10 Application.	Please see response to Comment 4 above.
53B	53	4/19/2021 14:53	DMM # 21-00026 Public Comments Tab		51B	DMM Date Filed: 06/04/2021 DMM Document Title: Heritage Public Comment Response Matrix - Written Comments and Responses DMM Item No.: 42	For this reason, I recommend a large setback of at least 1/2 mile down wind (prevailing wind) from the turbines." According to the draft conditions the applicant is willing to follow the following setbacks: "(1)1 .5 times turbine tip height from non-participating property lines, public roads, above- ground transmission lines and substations; and (2)2 .0 times turbine tip height from non-participating residences and non-participating commercial buildings." This is 1268' closer than what was recommended for those homes, and businesses that are downwind from the prevailing wind on this project.	Comments regarding setback concerns.	The setback distances set forth in the draft permit are in line with other approved or safely operating wind power projects in NY state.	The Draft Permit addresses the issue of setbacks in subpart 6(a), where the Office approved permittee's request to comply with the more stringent setbacks in the Barre Town Code (and not those referenced in 19 NYCRR § 900-2.6(b)).
54	54	4/20/2021 10:04	DMM # 21-00026 Public Comments Tab		52A	DMM Date Filed: 06/04/2021 DMM Document Title: Heritage Public Comment Response Matrix - Written Comments and Responses	I am one of the residents of Barre. I support the wind project and the benefits it could bring us. During my course of famring having diverse help we are the 11th or 12th generation of the farm. Everybody could agree that we want to help the next generation to be the best they can be and these turbines could help the next generation tremendously.	Comment in Support Not Relevant to Content of Draft Permit	Comment noted. This is not relevant to the content of draft permit, so no further response will be provided.	Comment noted.
55	55	4/22/2021 8:25	DMM # 21-00026 Public Comments Tab		53A	DMM Date Filed: 06/04/2021 DMM Document Title: Heritage Public Comment Response Matrix - Written Comments and Responses DMM Item No.: 42	We are very much opposed to this unnecessary wind turbine project in the Town of Barre for the following reasons: (1) The destruction of the natural rural landscape with extremely tall structures. (2) The flicker of turbine blades. (3) The disturbing auditory noises. (4) The lowering of property values. (5) The unneeded electricity contribution to the energy grid. (6) Don't believe it is in the best interest of our Town of Barre. (7) Don't believe it will lower taxes and believe it will actually cost us dearly in the long run.	Comment in Opposition Not Relevant to Content of Draft Permit	This is not relevant to the content of draft permit. Comment noted. Noise concerns are addressed in Exhibit 19 and associated appendices in the Article 10 Application. A shadow flicker report is included as Appendix 15-A of the Article 10 Application.	Please see responses to Comments 4 and 5 above. Comments concerning the need for renewable sources of electrical generation are addressed by existing law and outside of ORES's purview. Briefly, in compliance with the CLCPA, New York State is pursuing multiple renewable energy options to transform the State to a carbon-free economy (including 70% of electrical generation from renewable sources by 2030 and 100% renewable by 2040), and upgrade transmission system infrastructure and capacity statewide to handle growing demand for clean (renewable) sources of electricity.
56	56	4/22/2021 9:17	DMM # 21-00026 Public Comments Tab		54A	DMM Date Filed: 06/04/2021 DMM Document Title: Heritage Public Comment Response Matrix - Written Comments and Responses DMM Item No.: 42	As a licensed NYS crane operator, I have been one of the many people impacted by the expansion of wind energy in New York State. Over the last 20 years I have worked on the building and maintenance of many of the wind farms in western New York. The construction of these projects employ hundreds of local skilled trades people and is a major influx of funds into the local economy. The maintenance of these same projects also employs many local skilled trades people and is a source of long term employment in the area. If any stipulations are put on these projects it should be that the work is done by local skilled trades people and that the projects should have mandatory registered apprenticeship language. With these stipulations in place the local skilled trades people should get a majority of the employment and the next generation of skilled workers will have an opportunity to receive on the job training. The more local skilled trades people that are employed on the project the better the impact on the local economy. The earnings will stay here in New York, not be sent home to heavens know where.	Comment in Support Not Relevant to Content of Draft Permit	Comment noted. This is not relevant to the content of draft permit, so no further response will be provided.	Comment noted.
57	57	4/22/2021 13:40	DMM # 21-00026 Public Comments Tab		55A	DMM Date Filed: 06/04/2021 DMM Document Title: Heritage Public Comment Response Matrix - Written Comments and Responses DMM Item No.: 42	Putting these large industrial turbines within close proximity of residents homes without proper studies is a huge mistake. There is no true data on the effects of turbines of this magnitude on the environment or population. Further studies should be conducted before these prototype turbines be placed in the area. Please delay this project until studies can be conducted by third party officials to ensure that the natural communities and wetlands as well as the people in Barre will be protected.	Comment in Opposition Not Relevant to Content of Draft Permit	Comment noted. This is not relevant to H61.J61the content of draft permit, so no further response will be provided.	Please see response to Comment 4 above. Without limitation, the Draft Permit at subpart 5-IV(p) and (q) requires the permittee implement procedures for construction within wetlands and adjacent areas subject to ECL Article 24 and waterbodies and streams regulated pursuant to ECL Article 15. Wetland restoration, cut vegetation, access roads through wetlands, tree clearing, fill placement, concrete use, stormwater setback, and mitigation are addressed in Draft Permit at subpart 5-IV(q)(2), (3), (4), (6), (7), (8), (9), and (10), respectively. The Draft Permit also includes site specific conditions at subpart 6(c) requiring submission of a Wetland Restoration and Mitigation Plan as a pre-construction compliance filing, to avoid, minimize or mitigate potential significant adverse environmental impacts to the maximum extent practicable.
58	58	4/22/2021 13:44	DMM # 21-00026 Public Comments Tab		56A	DMM Date Filed: 06/04/2021 DMM Document Title: Heritage Public Comment Response Matrix - Written Comments and Responses DMM Item No.: 42	As a resident living close in proximity to the Town of Barre I am opposed to the turbine wind project in the Town of Barre. I have a grandchild diagnosed with autism. Research has been conducted at the University of Toronto showing that turbines should be constructed atleast 2 miles from all residences to minimize adverse health and neurological affects. Individuals with disabilities could be severely impacted by the flicker effect and loud swoosh noise that the turbines generate. Individuals with disabilities especially autism are very sensitive to light and sound enhancing current sensory neurological problems impacting their quality of everyday life. People with disabilities should be protected by law to maintain their quality of life and not hinder it using external stimuli. More research on the effects of 700 ft turbines is necessary before constructing the tallest turbines in the nation within only 1050 ft from a residence.	Comments regarding setback concerns.	As written in the draft permit, the maximum turbine height will be 675 feet, with setbacks based on established standards for operating and approved projects throughout New York State and in other jurisdictions. Assessment of reasonably probable environmental impacts to public health and safety is included in the Application at Exhibit 15 and related appendices, as updated by the Transition Supplement. Assessment of potential noise impacts is included in the Application at Exhibit 19 and related appendices, as updated by the Transition Supplement.	Please see response to Comment 4 above.

59	59	4/22/2021 13:55	DMM # 21-00026 Public Comments Tab		57A	DMM Date Filed: 06/04/2021 DMM Document Title: Heritage Public Comment Response Matrix - Written Comments and Responses DMM Item No.: 42	I am very much opposed to the wind turbine project in Barre, NY. I am a disabled, Vietnam veteran and served my country for many years. I currently reside close to Barre, NY. This project is allowing 700 ft turbines to be placed 1050 ft away from residences. Not enough research has been conducted placing 700 ft turbines this close to homes. I am extremely concerned about the adverse effects of wind turbines being this close to homes and severely impacting individuals with disabilities. People with disabilities should be protected by the law. Renewable energy can be productive and beneficial but it should not be at the expense of individuals health and quality of life.	Comments regarding setback concerns.	As written in the draft permit, the maximum turbine height will be 675 feet, with setbacks based on established standards for operating and approved projects throughout New York State and in other jurisdictions. Assessment of reasonably probable environmental impacts to public health and safety is included in the Application at Exhibit 15 and related appendices, as updated by the Transition Supplement. Assessment of potential noise impacts is included in the Application at Exhibit 19 and related appendices, as updated by the Transition Supplement.	Please see response to Comment 4 above.
60	60	44308.6385	DMM # 21-00026 Public Comments Tab		----	---	To Whom It May Concern:□ I am writing on behalf of my son and daughter-in-law. They have an autistic 3 year old. Their house is located on Culver Rd. In the town of Barre. There are 6 windmills scheduled to be built directly across the street from their home. Our concerns are for her. She was diagnosed with autism having various developmental and neurological problems. There is some scientific research showing that windmills can cause severe affects on individuals with neurological problems like autism. All children with autism have a sensory processing disorder that causes their nervous system to respond to stimuli much different than an ordinary individual. Our grandchild hears noises and sees things that we cannot. The noise from a windmill for a child with autism is unbearable. Also, the Flicker effect is shown to have a monumental negative impact on children with autism as well.□ Another issue is that the town of Barre has had no vote on this subject. This will ruin this beautiful town. □ Thanks for listening to my concerns,□ Ruth Smith	----	---	Please see response to Comment 4 above.
61	61	4/22/2021 22:43	DMM # 21-00026 Public Comments Tab		58A	DMM Date Filed: 06/04/2021 DMM Document Title: Heritage Public Comment Response Matrix - Written Comments and Responses DMM Item No.: 42	I am opposed to the wind turbine project in Barre, NY. I am the fifth generation on a family farm in the Town of Barre. I have lived in Barre for most of my life and currently reside in Barre, NY today. Unfortunately my three year old daughter was diagnosed with autism two years ago. After extensive research I have found that close proximity of wind turbines can have adverse affects on an individual's health especially individuals with autism. Individuals with autism have a heightened sensitivity to sound and light that normal people do not see or hear. We will have six turbines within 3/4 of a mile from our house with one as close as 1050 ft away from our residence. I am very concerned that 700 ft turbines are being placed so close to residences. More research needs to be conducted using 700 ft turbines to determine proper distance from residences to ensure the health and safety of all individuals including individuals with disabilities. I am also concerned that the substantial height of the turbines was altered due to the lack of sufficient wind generated at lower altitudes. This needs to be further researched as well. I have been a farmer for fourteen years and I adamantly oppose the wind turbine project in Barre, NY.	Comments regarding setback concerns.	As set forth in the draft permit, the minimum setback from any non-participating residence is 2.0 times turbine tip height. Maximum turbine tip height allowed per the draft permit is 675 feet. Therefore, no wind turbines are sited closer than 1,350 feet from your residence. As written in the draft permit, the maximum turbine height will be 675 feet, with setbacks based on established standards for operating and approved projects throughout New York State and in other jurisdictions. Assessment of reasonably probable environmental impacts to public health and safety is included in the Application at Exhibit 15 and related appendices, as updated by the Transition Supplement. Assessment of potential noise impacts is included in the Application at Exhibit 19 and related appendices, as updated by the Transition Supplement.	Please see response to Comment 4 above.
62	62	4/23/2021 11:47	DMM # 21-00026 Public Comments Tab		59A	DMM Date Filed: 06/04/2021 DMM Document Title: Heritage Public Comment Response Matrix - Written Comments and Responses DMM Item No.: 42	As a frequent visitor to the wildlife areas near the proposed Heritage Wind project, I stand opposed to this project and I am appalled at the so called environmentalists that support it. This project is not about saving the Earth or helping the climate. It is a takeover of New York by billionaire globalist companies that are being kicked out of Europe and finding plenty of clueless and greedy supporters here. Fact: wind turbines are manufactured with fossil fuel and mining, destroying environments where this is done. Fact: they are unreliable electricity generators. Fact: they contain oil, contaminate groundwater, sweep wildlife from the air, fill the night sky with flashing red lights, create air turbulence and infrasound as they spin. Fact: we have an awesome gift in Niagara Falls hydropower that is truly emission free and available 24/7, and can be vastly improved with infrastructure and conservation efforts. To place wind turbine monstrosities near such important, precious, valuable wildlife habitat and migration routes is reckless, irresponsible, an insult and a criminal assault to New York's people and its wildlife. If this plan succeeds, and when wind power ultimately fails people and wildlife together, what is the Heritage that Heritage Wind will leave us?	Comment in Opposition Not Relevant to Content of Draft Permit	Comment noted. This is not relevant to the content of draft permit, so no further response will be provided. With respect to wildlife concerns, please see Attachment "Technical Memorandum for Heritage Wind's Response to Proposed Issues and Public Comments on Avian Issues"	Please see responses to Comments 4, 17 and 35 above.
63	63	4/25/2021 12:56	DMM # 21-00026 Public Comments Tab		60A	DMM Date Filed: 06/04/2021 DMM Document Title: Heritage Public Comment Response Matrix - Written Comments and Responses DMM Item No.: 42	The project couldn't be placed any closer to a wildlife refuge if they tried. This really shows that Apex and NYS could care less about the residents and wildlife as Governor Cuomo continues to strip away any home rule rights we have. Yes, climate change is a concern, proper siting is priority and this project doesn't work.	Comment Regarding Wildlife	Comment noted. This is not relevant to the content of draft permit. As described in the Avian Risk Assessment submitted as Appendix 22-F to the Article 10 Application, the Iroquois National Wildlife Refuge (INWR) is located more than 2 miles to the southwest of the closest turbine and the remaining turbines are located more than 3 miles from the INWR boundary and the Oak Orchard Wildlife Management Area (OOWMA) is located more than 1 mile southwest of the closest turbine and more than 2 miles from the next closest turbine.	Please see responses above to Comment 2 (public participation in the EL § 94-c review) and Comment 17 (potential wildlife impacts). Additionally, New York appellate courts have found that statewide utility siting regimes are general laws addressing matters of statewide concern, and therefore do not violate home rule provisions.
64	64	4/25/2021 16:07	DMM # 21-00026 Public Comments Tab		61A	DMM Date Filed: 06/04/2021 DMM Document Title: Heritage Public Comment Response Matrix - Written Comments and Responses DMM Item No.: 42	As a resident of Livingston County with concern for protecting our environment and local wildlife I am against the location planned for the Heritage Wind Project. This will greatly impact birds on the Iroquois land by preventing nesting behavior, migration patterns and general well being of a multitude of species of birds due to the size and voracity of proposed wind turbines. At the very least a hearing must be scheduled so that pertinent information can be presented about the detriments. An alternative site should be explored that will not cause such damage to the local fauna.	Comment Regarding Wildlife	Comment noted. This is not relevant to the content of draft permit, so no further response will be provided. With respect to wildlife concerns, please see Attachment "Technical Memorandum for Heritage Wind's Response to Proposed Issues and Public Comments on Avian Issues"	Please see response to Comment 17 above.
67	67	4/26/2021 17:01	DMM # 21-00026 Public Comments Tab		62A	DMM Date Filed: 06/04/2021 DMM Document Title: Heritage Public Comment Response Matrix - Written Comments and Responses DMM Item No.: 42	Several years ago my daughter and I were driving south on Route 63 when we spotted a sight we never thought we would see -- an adult bald eagle in a field near the Iroquois Wildlife Refuge. We pulled off and watched through the car window. The eagle was having a snack and remained in the field. Within minutes there was a line of cars pulled off the road, watching this huge, majestic bird. The eagles have made a comeback in our area and the refuge and surrounding wildlife management areas are an integral part of that success. I am not sure others will have this opportunity if wind turbines are sited as planned with the Heritage Wind project. I have not learned of any mitigation efforts and this should not be the case. Surely there is a way to have green energy without siting the turbines so very close to this important refuge.	Comment Regarding Wildlife	Comment noted. This is not relevant to the content of draft permit. Eagle risk and mitigation are addressed in Appendix 22-F and Appendix 22-H, respectively, of the Article 10 Application. As described in the Avian Risk Assessment submitted as Appendix 22-F to the Article 10 Application, the Iroquois National Wildlife Refuge (INWR) is located more than 2 miles to the southwest of the closest turbine and the remaining turbines are located more than 3 miles from the INWR boundary and the Oak orchard Wildlife Management Area (OOWMA) is located more than 1 mile southwest of the closest turbine and more than 2 miles from the next closest turbine.	Please see response to Comment 17 above.
68	68	4/26/2021 19:18	DMM # 21-00026 Public Comments Tab		63A	DMM Date Filed: 06/04/2021 DMM Document Title: Heritage Public Comment Response Matrix - Written Comments and Responses DMM Item No.: 42	Im writing as a lifelong resident of the town of Barre and my husband is the 7th generation operating Mathes Farms, originally founded in 1841. I want to report that there is support for the Heritage Wind project in the town of Barre and explain why I count myself among its supporters. My farm is precious to me and my family, so it was only after careful consideration that I agreed to participate in the project by signing a lease. To me wind represents a new type of crop to harvest and a guaranteed income for my family and community. As a long-time supporter of the local 4-H club, the Farm Bureau, and a tax payer, I know that this community will benefit from the revenue that this project will bring. Barre has the opportunity to move forward with a project which will enhance the town and offer benefits to each town resident. The Heritage Wind project is Barres opportunity for a new beginning and to make its mark as a pioneer in our county for progress. This clean energy project will provide many financial advantages for school districts, roads, and highways, parks and recreational areas and will offer tax breaks for ALL Barre residents.	Comment in Support Not Relevant to Content of Draft Permit	Comment noted. This is not relevant to the content of draft permit, so no further response will be provided.	Comment noted.

69	69	4/27/2021 14:43	DMM # 21-00026 Public Comments Tab		64A	DMM Date Filed: 06/04/2021 DMM Document Title: Heritage Public Comment Response Matrix - Written Comments and Responses DMM Item No.: 42	As a long-time resident of Barre, Id like to express my full support for the Heritage Wind Project. I have expressed my support in many ways and will continue to do so. It is clear from what I've seen over five years since the project was proposed that those in opposition to turbines do have something in common.. many seem to do well financially and not worry about paying their taxes. Their main concern seems to be that they dont want to look at turbines. And some opponents keep stressing how greedy they believe the supporters are, which is absurd. If you are struggling trying to pay the high taxes and a good deal comes along that will help everyone, that isnt greed. And supporting a project that will help our children and grandchildren have a viable planet to live on is also not greed. In the future when we have trashed the planet, there will not be a planet B to go to!! We all have to get on board and accept that we need to move to green energy, and that means everyone everywhere! Screaming that you don't want to look at turbines is not helpful at this time and it sure isn't forward thinking!! SOS and Clear Skies never stop campaigning against turbines and apparently, they dont want them anywhere. And they seem to use their wealth and status to get their way! Its time to fight back against that with reality and facts and not let them get away with promoting falsehoods. Our future depends on supporting turbine and solar projects everywhere!!! To fight against green energy is to fight against your own future..makes no sense!!	Comment in Support Not Relevant to Content of Draft Permit	Comment noted. This is not relevant to the content of draft permit, so no further response will be provided.	Comment noted.
70	70	4/29/2021 8:38	DMM # 21-00026 Public Comments Tab		65A	DMM Date Filed: 06/04/2021 DMM Document Title: Heritage Public Comment Response Matrix - Written Comments and Responses DMM Item No.: 42	That a new, private company owned wind turbine blade field MUST be installed within a mile of the Iroquois and Oak Orchard wildlife refuges seems like a giant, revolving middle finger to the bird species who depend on those areas and who were there first. It will also kill them in numbers that no species can afford to lose. The question must be asked, Apex, why THERE specifically? Turbines (T 1 - 3; T 4 - 6) are destined for installation in areas already designated as Important Bird Areas. Again, why there? I believe this siting should be prohibited for obvious reasons, although in the face of profit and 94-c permits, it will be interesting to see how chasing after renewables will flat out ignore or steam roll over the well being of non-renewables, such as already fragile and beleaguered bird species in the United States.	Comment Regarding Wildlife	Potential Facility impacts to avian species is addressed in Exhibit 22 of the Applicaiton, and related appendices. As described in the Avian Risk Assessment submitted as Appendix 22- F to the Article 10 Application, the Iroquois National Wildlife Refuge (INWR) is located more than 2 miles to the southwest of the closest turbine and the remaining turbines are located more than 3 miles from the INWR boundary and the Oak orchard Wildlife Management Area (OOWMA) is located more than 1 mile southwest of the closest turbine and more than 2 miles from the next closest turbine. Please see Attachment "Technical Memorandum for Heritage Wind's Response to Proposed Issues and Public Comments on Avian Issues" for more information.	Please see response to Comment 17 above.
71	71	4/29/2021 17:14	DMM # 21-00026 Public Comments Tab		66A	DMM Date Filed: 06/04/2021 DMM Document Title: Heritage Public Comment Response Matrix - Written Comments and Responses DMM Item No.: 42	I am writing in response to a news report on my feed "American Bird Conservancy worries about avian impact with Barre wind turbine project". Posted on the Orleans Hub. I think wind turbines are a bad venture for our community. I have a friend that lives in a community where they did this, 10 plus years ago and it has benefited no one. The bills kept increasing, property value decreased. The noise from some of them are horrible and the maintenance is expensive. And the real kicker is, if they catch on fire you can NOT put them out...they have to burn out, releasing toxic chemicals into the air. And after some research I see they pose a great danger to our feathered friends. We have some rare birds around here and I would hate to see their population decrease over something that is a waste of land and resources. Now I pose this question at you. Why are we not taking advantage of all the lakes around us? They are renewable resources. I am sure you are familiar with it, it's called Hydropower. Water is not reduced or used up in the process. I mean it doesn't take a rocket scientist to realize this is a safer and much more reasonable idea than win turbines. Especially since no water is consumed in this process. We are losing precious farming land to ugly, unrecyclable wind turbines and I really think it would be in this communities best interest to go a different way.	Comment in Opposition Not Relevant to Content of Draft Permit	This is not relevant to the content of draft permit. Comment noted. Noise concerns are addressed in Exhibit 19 and associated appendices in the Article 10 Application. Public Health and Safety is addressed in Exhibit 15 of the Article 10 Application. With respect to wildlife concerns, please see Attachment "Technical Memorandum for Heritage Wind's Response to Proposed Issues and Public Comments on Avian Issues"	Please see response to Comment 17 above.
72	72	4/30/2021 8:10	DMM # 21-00026 Public Comments Tab		67A	DMM Date Filed: 06/04/2021 DMM Document Title: Heritage Public Comment Response Matrix - Written Comments and Responses DMM Item No.: 42	I am a home and land owner in the town of Barre NY where this project is basically being shoved down our throats by the Barre town board. There was no vote offered to all tax payers, and I feel my rights as a citizen of Barre are being violated. I also believe it is a greedy scam since some of the town board members are also lease holders and took it upon themselves to change the wind ordinance in favor of lining their own pockets. As for the turbines themselves I feel they will have a negative effect on my health and quality of life as well as the birds and wild life around my home. I know for a fact that my property value will decrease considerably. If I wanted to live amongst sky scrapers I would have bought a home in New York city.	Comment in Opposition Not Relevant to Content of Draft Permit	Comment noted. This is not relevant to the content of draft permit, so no further response will be provided.	Please see responses to Comment 4, 5 and Comment 17 above.
73	73	4/30/2021 9:09	DMM # 21-00026 Public Comments Tab		68A	DMM Date Filed: 06/04/2021 DMM Document Title: Heritage Public Comment Response Matrix - Written Comments and Responses DMM Item No.: 42	I own property on Angevine Rd. (Tax ID 107.-1-28) and have previously agreed to terms with Heritage on a Wind Easement & Setback Waiver. As a result, I fully support the progression and implementation of this project.	Comment in Support Not Relevant to Content of Draft Permit	Comment noted. This is not relevant to the content of draft permit, so no further response will be provided.	Comment noted.
92	TBD	TBD	TBD		69A	DMM Date Filed: 06/04/2021 DMM Document Title: Heritage Public Comment Response Matrix - Written Comments and Responses	Turbines will negativley affect the migratory birds in the area. There shouldn't be an industrial wind project allowed to be built close to wildlife reserve	Comment Regarding Wildlife	This is not relevant to the content of draft permit. Comment noted. With respect to wildlife concerns, please see Attachment "Technical Memorandum for Heritage Wind's Response to Proposed Issues and Public Comments on Avian Issues"	Please see response to Comment 17 above.
74	74	4/30/2021 18:44	DMM # 21-00026 Public Comments Tab		---	---	After battling the NYSDEC permits office and Frontier Stone LLC for more than 13 years over the proposed Stone Quarry next to the Iroquois National Wildlife Refuge (INWR), (your office approved the dewatering permit) I am well aware that the NYSDEC Permits Office, and the NYSDEC management, don't actually care for the environment in NYS. The SEQR process was so full of loopholes that it was ineffective in protecting even the most sensitive wildlife habitat in our state; the wetlands. The DEIS had no power to stop the destruction of the second largest natural wetlands in NYS from industry. The fact is, the NYSDEC was going to allow it. Our town and our grass roots group were successful in stopping the quarry only because the Town of Shelby cared to protect what it valued. And while some people don't really care about the environment with respect to the INWR and the Tonawanda Wildlife Management Area, the fact is, the wildlife refuge is the single largest attraction in the area. It brings in, I believe last count was, over 75,000 people to the area annually. These visitors eat in our restaurants, purchase goods in our stores and small businesses, and publicly comment about what they saw on social media, bringing in more people. No other attraction brings in more people from outside our area. So if the economy is more important to you than the environment, then this issue should be of importance. When the wind turbines negatively affect the migratory birds, and there is no question that they will, there will be no Bald Eagles to attract people to the refuge Eagle cameras. "Bald Eagles do not see the turbines as a threat so they get often killed by them." This statement was made by my friend, Mike Allen, NYSDEC, whose life's work was bringing the Eagles back from the Endangered Species list in NYS. One Bald Eagle death has a far greater impact than one Canada Goose death. The INWR and the Tonawanda Game management lands are home to our Bald Eagles. They are in the middle of one of the largest migratory bird routes in North America. So the negative impacts of the turbines here will be multiplied many fold over what their impact would be in the midwestern states. While fighting the quarry, my eyes were opened to the apathy towards the environment at the NYSDEC and the incredible number of conflicts of interest in the permits office. So please before you issue permits for these turbines, consider the economy of the area. Putting money in the pockets of a few land owners won't do as much for the local economy as the 75,000 refuge visitors. At the very least, careful consideration should be given for the reason people come to the refuge every year. Consider the inhabitants of the refuge, the heaviest migratory times, whether the turbines should be turned off during peak migration, safe sighting of any turbines. Allow the refuge biologists to have their say. Should the turbine blades be painted to reduce bird strikes (There is a study on this available.) The number of turbines allowed anywhere in this important migratory route should be minimized, and the counting of dead birds at the turbine sites to determine negative impacts, should not be left to the owners of the turbines nor the land owners. Only a fool lets a fox guard a hen house.	---	---	Please see responses to Comment 17 (wildlife) and Comment 57 (wetlands) above.

75	75	5/3/2021 9:35	DMM # 21-00026 Public Comments Tab		70A	DMM Date Filed: 06/04/2021 DMM Document Title: Heritage Public Comment Response Matrix - Written Comments and Responses DMM Item No.: 42	I resided within 10 miles of the Iroquois Wildlife Refuge for nearly 40 years. This is not only a refuge but a preserve. How can our officials possibly place an industrial project so close to this wonderful resource? If this isn't equivalent to bait and shoot, I don't know what is. Heritage Wind is so wrong for this area. STOP THE INSANITY!	Comment in Opposition Not Relevant to Content of Draft Permit	This is not relevant to the content of draft permit. As described in the Avian Risk Assessment submitted as Appendix 22-F to the Article 10 Application, the Iroquois National Wildlife Refuge (INWR) is located more than 2 miles to the southwest of the closest turbine and the remaining turbines are located more than 3 miles from the INWR boundary and the Oak Orchard Wildlife Management Area (OOWMA) is located more than 1 mile southwest of the closest turbine and more than 2 miles from the next closest turbine.	Please see response to Comment 17 above.
76	76	5/3/2021 10:29	DMM # 21-00026 Public Comments Tab		71A	DMM Date Filed: 06/04/2021 DMM Document Title: Heritage Public Comment Response Matrix - Written Comments and Responses DMM Item No.: 42	These Turbines and solar farms have no place in civilized society. They Will never take the place of oil and natural gas as far as reliability. Each and every one of these that are put in means that the future children and grandchildren are guaranteed a substandard way of life. Green energy is based on a lie of climate change and you know that. This is a tax payer money grab and a land grab. This has failed in Europe and all over the world and you want to turn our rural landscape into ugly wind and solar junk yards. This will do nothing for the environment or air quality in fact it will do the opposite. We do not want these in our area. please respect that and take your Agenda 21 somewhere else.	Comment in Opposition Not Relevant to Content of Draft Permit	Comment noted. This is not relevant to the content of draft permit, so no further response will be provided.	Comment noted.
77	77	5/3/2021 11:21	DMM # 21-00026 Public Comments Tab		72A	DMM Date Filed: 06/04/2021 DMM Document Title: Heritage Public Comment Response Matrix - Written Comments and Responses	I'm writing to show my full support for the Heritage Wind project to be set in the Town of Barre, NY. I am confident that all studies and procedures have been followed by all parties and agencies involved to make sure this project is not only safe for wildlife and humans, but also for the Town, County, and school districts to benefit as much as they can. This project will bring much needed revenue to the Town and benefit all residents in one way or another (whether they are leaseholders or not)	Comment in Support Not Relevant to Content of Draft Permit	Comment noted. This is not relevant to the content of draft permit, so no further response will be provided.	Comment noted.
78	78	5/3/2021 12:44	DMM # 21-00026 Public Comments Tab		73A	DMM Date Filed: 06/04/2021 DMM Document Title: Heritage Public Comment Response Matrix - Written Comments and Responses DMM Item No.: 42	Heritage Wind project will destroy our communities. There has been no consideration for the health and well being of local people, nor the nearby wildlife refuge. I strongly oppose the commercializing of our beautiful Niagara/Orleans landscape. What legacy will we be leaving for future generations? Turbines are expected to be in service for up to 25 yrs? Why spend millions on a project that has such a short lifespan; that will leave destruction (huge amounts of concrete etc) forever to our farms? Only makes sense to the companies and individuals who financially benefits from this.	Comment in Opposition Not Relevant to Content of Draft Permit	This is not relevant to the content of draft permit. Comment noted. As described in the Avian Risk Assessment submitted as Appendix 22-F to the Article 10 Application, the Iroquois National Wildlife Refuge (INWR) is located more than 2 miles to the southwest of the closest turbine and the remaining turbines are located more than 3 miles from the INWR boundary and the Oak orchard Wildlife Management Area (OOWMA) is located more than 1 mile southwest of the closest turbine and more than 2 miles from the next closest turbine. Health and Public Safety is addressed in Exhibit 15 of the Article 10 Application.	Please see responses to Comment 4, Comment 5 and Comment 17 above.
79	79	5/3/2021 14:15	DMM # 21-00026 Public Comments Tab		74A	DMM Date Filed: 06/04/2021 DMM Document Title: Heritage Public Comment Response Matrix - Written Comments and Responses DMM Item No.: 42	The situation involving the Heritage Wind developer in the Town of Barre begs to be addressed by members of the governing bodies of the state for it's numerous improprieties. I do not understand why there is a conflicted list upon which many of the board and the supervisor are all listed on but to no avail. Why is there is a conflicted list if it means nothing. Our supervisor has pushed the agenda for the turbines in our community without keeping our community involved or providing them an opportunity to express their concerns and or represent thoughts of the actual overwhelming number of people in the community that are against them. Please help those of us that are being run over in the pursuit of poorly funded inefficient government spending.	Comment in Opposition Not Relevant to Content of Draft Permit	Comment noted. This is not relevant to the content of draft permit, so no further response will be provided.	Following the Office's March 15, 2021 issuance of a Draft Permit in compliance with EL § 94-c and the Office's regulations at 19 NYCRR part 900, public notice of the Draft Permit was provided and a robust public comment period and issues determination procedure was conducted under supervision of two assigned Administrative Law Judges (ALJs). See <i>Combined Notice of Availability of Draft Permit Conditions, Public Comment Period and Public Comment Hearing, and Commencement of Issues Determination Procedure</i> (DMM Item No. 24). This process included a public comment hearing on May 20, 2021 and a public comment period allowing for the submission of written comments through May 21, 2021. Following the issues determination procedure (see <i>Ruling on Issues and Party Status and Interim Decision of the Executive Director and Ruling on Late-Filed Petitions for Amicus Status</i> at DMM Item Nos. 47, 58 and 76, respectively), an adjudicatory hearing was held by the ALJs on October 27, 2021 in compliance with 19 NYCRR subpart 900-8. Additional information can be found in the record of this proceeding at Document Matter Management (DMM) system Matter No. 21-00026, accessible online at https://ores.ny.gov/permit-applications .
80	80	5/4/2021 11:00	DMM # 21-00026 Public Comments Tab		75A	DMM Date Filed: 06/04/2021 DMM Document Title: Heritage Public Comment Response Matrix - Written Comments and Responses DMM Item No.: 42	I fully support the Heritage Wind project in Barre, NY. I feel the benefits to the town and school district far outweigh any possible negatives. Some fear losing property values, but I think the opposite. When taxes are lowered there will be more demand for real estate in our area. Beauty is in the eye of the beholder - I always enjoy seeing windmills when I travel. I know there are two sides to every issue. Some are convinced that windmills are evil and will create unbearable stress. To me the slow rhythmic rotation is visibly pleasing and if you get close enough the sound is soothing as gentle waves lapping at the lakeshore. The wind will always blow, let's take advantage of it!	Comment in Support Not Relevant to Content of Draft Permit	Comment noted. This is not relevant to the content of draft permit, so no further response will be provided.	Comment noted.
81	81	5/6/2021 15:18	DMM # 21-00026 Public Comments Tab		76A	DMM Date Filed: 06/04/2021 DMM Document Title: Heritage Public Comment Response Matrix - Written Comments and Responses DMM Item No.: 42	This is a great opportunity for the Town of Barre and its residents. Opportunities for a company to invest these types of dollars into a rural community are very rare. This is a windfall of dollars to offset taxes and future tax increases for the next 25 years+. The amenities that can be provided to the Community or public safety resources that can be invested is tremendous. With the economic pressure our State and Counties are under is real and we are in a State that will continue to have the highest rate of taxes/ \$1000 in the Nation. Residents in Barre are set up to offset these taxes for years. Not only will the residents of Barre benefit but so will some of the landowners. These landowners, many of which are farmers will use these dollars to reinvest in their businesses to continue provide local jobs, provide greenspace by continuing to farm and spend those dollars in their own Communities. A big benefit to wind power over solar power is that it does not take nearly as many acres out of agricultural production. This is a well thought out project.	Comment in Support Not Relevant to Content of Draft Permit	Comment noted. This is not relevant to the content of draft permit, so no further response will be provided.	Comment noted.
82	82	5/7/2021 7:27	DMM # 21-00026 Public Comments Tab		77A	DMM Date Filed: 06/04/2021 DMM Document Title: Heritage Public Comment Response Matrix - Written Comments and Responses DMM Item No.: 42	Grid based wind turbines should not be located on agricultural land in our state. Period. Our climate and soils in western New York are too valuable to be installing turbines that will forever leave their imprint on the soils that they destroy. Any parcel that participates in this project should lose any and all benefits afforded by being part of an Ag District. Further, the whole parcel should be reclassified to a non-agricultural zoning that would be taxed independently of any PILOT agreement. These energy companies are here because it is easy for them. Easy in Albany because they helped write the rules, easy here because landowners see easy money. Easy engineering because of our topography. Renewable energy makes sense but not here and especially not on agricultural land.	Comment in Opposition Not Relevant to Content of Draft Permit	Comment noted. This is not relevant to the content of draft permit, so no further response will be provided.	Potential significant adverse impacts to agricultural resources will be avoided, minimized and mitigated to the maximum extent practicable through permittee's compliance with the New York State Department of Agriculture and Marketing Guidelines for Agricultural Mitigation for Wind Power Projects and ORES requirements in the Draft Permit for formal agricultural mitigation plans (including the approved Agricultural Plan required pursuant to 19 NYCRR §900-2.16(c), the approved Remediation Plan required pursuant to 19 NYCRR §900-2.16(d) and any approved co-utilization plan prepared according to §900-2.16(e)) and an agricultural monitor during facility construction. Draft Permit, subpart 5-IV(b) and (s)(2)(ii). Additionally, a Decommissioning and Site Restoration Plan is required for the restoration of the site upon cessation of use in accordance with applicable guidelines. See e.g. Draft Permit, subparts 5-VI, 6(h) and 7-I(b); see also Article 10 Exhibits 4, sec. (i) and 22, sec. (q), at DMM Item Nos. 6 and 19, respectively.
83	83	5/7/2021 7:45	DMM # 21-00026 Public Comments Tab		78A	DMM Date Filed: 06/04/2021 DMM Document Title: Heritage Public Comment Response Matrix - Written Comments and Responses DMM Item No.: 42	I fully support the apex wind turbine project in the town of Barre. It makes good sense to promote renewable energy that is not disruptive to agriculture such as solar.	Comment in Support Not Relevant to Content of Draft Permit	Comment noted. This is not relevant to the content of draft permit, so no further response will be provided.	Comment noted.
84	84	5/7/2021 10:10	DMM # 21-00026 Public Comments Tab		79A	DMM Date Filed: 06/04/2021 DMM Document Title: Heritage Public Comment Response Matrix - Written Comments and Responses DMM Item No.: 42	The Heritage Wind Project seeks to construct wind turbines of 700 feet in Barre without the ability of public comment by the community to express their concerns. It appears the community outrage and pressure to not allow these monstrous, unproven eyesores in Somerset and Lyndonville has forced Apex to look elsewhere. This time it seems they can move quickly once approved without going through public hearings and controlled by ORES, the Office of Renewable Energy Sitings. While I do not disapprove with renewable wind energy, there needs to be community engagement in this process that may have short term and long term effects on the community. There have never been 700 feet high turbines, thus no research to examine the effects these huge eyesores have environmentally and physically.	Comment in Opposition Not Relevant to Content of Draft Permit	This is not relevant to the content of draft permit. Comment noted. The sixty days following the issuance of the draft permit are dedicated to giving the public the chance to comment on the draft permit. In addition, there has been years of public interaction regarding the Heritage Wind Project through the Article 10 Public Involvement Plan.	Please see responses to Comments 2B and 79 above. Turbine height complies with the requirements of § 350-103(6) of the Barre Town Code.

85	85	5/7/2021 11:33	DMM # 21-00026 Public Comments Tab		80A	<p>DMM Date Filed: 06/04/2021 DMM Document Title: Heritage Public Comment Response Matrix - Written Comments and Responses DMM Item No.: 42</p>	<p>The Town of Barre is being considered for a Wind energy Project proposed by Apex Clean Energy. After going through this lengthy process in our Town of Somerset, as well as the Town of Yates, my question is: " What will it take for the people of New York to wake up and see the destruction this type of renewable energy will cause on our environment, our landscape, our wildlife, our infrastructure???" The building of 700 foot tall turbines would cause the property/earth to be drilled, cemented, and uprooted - never again to be replaced. The building of 700 foot tall turbines will cause massive damage to our highways from the overload transport of heavy equipment. The building of 700 foot tall turbines will cause severe disruption of our abundant wildlife migration and habitat, too upsetting for me to even comprehend. The building of 700 foot tall turbines will impact human existence in these areas by causing annoying blinking lights, interference with medical helicopters, removal of essential trees and hedgerows, which effect our air quality by slowing down erosion and controlling carbon dioxide in our atmosphere. PLEASE, developers and politicians -THINK before you act. Your decisions impact the future of our livelihoods, but just as importantly, our land. Replacement of soil/ farmland and removal of worn out turbines will be more destructive than other means of producing energy.</p>	<p>Comment in Opposition Not Relevant to Content of Draft Permit</p>	<p>Comment noted. This is not relevant to the content of draft permit, so no further response will be provided.</p>	<p>Please see responses to Comments 4, 5, 17, 35 and 57 above. Turbine height complies with the requirements of § 350-103(6) of the Barre Town Code.</p>
86A	86	5/7/2021 16:08	DMM # 21-00026 Public Comments Tab		81A	<p>DMM Date Filed: 06/04/2021 DMM Document Title: Heritage Public Comment Response Matrix - Written Comments and Responses DMM Item No.: 42</p>	<p>The proposed 700 foot tall turbines this project proposes will forever change the character of our region. The 33 turbines will be among the largest structures in the country and will be the largest structures in New York State outside of New York City.</p>	<p>Comments regarding tip height concerns</p>	<p>Per the draft permit, the maximum tip height is 675 feet. This tip height was addressed in the Visual Impact Assessment (Appendix 24-A) in the Article 10 Application.</p>	<p>Turbine height complies with the requirements of § 350-103(6) of the Barre Town Code.</p>
86B	86	5/7/2021 16:08	DMM # 21-00026 Public Comments Tab		81B	<p>DMM Date Filed: 06/04/2021 DMM Document Title: Heritage Public Comment Response Matrix - Written Comments and Responses DMM Item No.: 42</p>	<p>We do not support the industrialization of our beautiful Finger Lakes Region, home to 100 wineries and a hugely popular tourist attraction that brings revenue and visitors from all over the world to our historic towns and farms. No! We do not. Western NY is tired of being the dumping ground for garbage for NYC and other harmful businesses that degrade the beauty of Western NY. This project would allow 46,000 cubic yards of gravel and more than 42,000 cubic yards of cement to be poured onto what are now agricultural fields that produce large crops of wheat and corn in some of the most fertile soil in the entire country. Bird migration routes along the Lake Ontario lakeshore are loaded with migrating birds in the spring and fall. Bald Eagles, Hawks, shore birds, warblers and other song birds are going to be destroyed by these huge wind turbines and must not be allowed. My family and I vote a resounding NO to this project that will not be to the benefit of the Finger Lakes, one of the most beautiful areas of our country.</p>	<p>Comment in Opposition Not Relevant to Content of Draft Permit</p>	<p>This is not relevant to the content of draft permit. Comment noted. With respect to wildlife concerns, please see Attachment "Technical Memorandum for Heritage Wind's Response to Proposed Issues and Public Comments on Avian Issues"</p>	<p>Please see response to Comment 17 (wildlife) above. Draft Permit subpart 7-1(e)(1) and (2) require the permittee to prepare and submit a Quality Assurance and Control Plan and a Construction Operations Plan to ORES for review and approval, addressing the use of concrete and other construction materials at the project site.</p>
87	87	5/9/2021 9:41	DMM # 21-00026 Public Comments Tab		82A	<p>DMM Date Filed: 06/04/2021 DMM Document Title: Heritage Public Comment Response Matrix - Written Comments and Responses DMM Item No.: 42</p>	<p>Please think before approving this project. Industrial Wind turbines will not improve our environment. They are loaded with toxic elements, rare earth minerals, hazardous to our health. They are deadly to the huge amount of birds that migrate to this area. They will destroy the landscape and reduce the value of our property. Any energy that they produce is minuscule compared to the huge amount of taxpayer funding through federal production tax credits. Andrew Cuomo is eliminating all of the power of our local government and its residents When it come to these large scale energy projects..its time for things to change!</p>	<p>Comment in Opposition Not Relevant to Content of Draft Permit</p>	<p>Comment noted. This is not relevant to the content of draft permit. Public Health and Safety is addressed in Exhibit 15 of the Article 10 application. Visual impacts are addressed in Exhibit 24 and related appendices. A discussion of the environmental benefits of renewables is included in Exhibits 9, 10 and 17. With respect to wildlife concerns, please see Attachment "Technical Memorandum for Heritage Wind's Response to Proposed Issues and Public Comments on Avian Issues."</p>	<p>Please see responses to Comment 17 (wildlife) and Comment 35 (decommissioning and restoration of site) above.</p>
88	88	5/10/2021 11:09	DMM # 21-00026 Public Comments Tab		83A	<p>DMM Date Filed: 06/04/2021 DMM Document Title: Heritage Public Comment Response Matrix - Written Comments and Responses DMM Item No.: 42</p>	<p>I am strongly OPPOSED to any industrial wind turbines sited in our rural communities. I'm concerned for the negative human effects that are caused by low frequency noise, infrasound, shadow flicker effect, red flashing lights at night to name just a few of the cases that are well documented and on file. Additionally, due to the size and scope of this project we have no idea what additional health effects that may harm this community as well as neighboring communities in the future. These IWT's will be the largest ever constructed and I don't believe it's fair for our communities to be the "guinea pigs" for a project of this magnitude. I feel that public health should be of the utmost importance and at the forefront of any decision made for siting IWT's near the public. https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3653647/ https://www.medscape.com/viewarticle/819937_2 Excerpts below: Researchers have been studying the impacts of environmental noise on human health since at least 1930.[1] Varying degrees of evidence exist for a wide range of nonauditory health effects potentially stemming from noise exposures, including cardiovascular disease,[2,3,4] hypertension,[5,6] stroke,[7,8] diabetes,[9] sleep disturbance,[10] endocrine effects,[11,12] minor psychiatric disorders,[13] and impaired cognitive development.[14] Although investigators may not know the exact nature of the relationship between noise and health impacts, or why noise affects some people differently than others, the evidence to date suggests that environmental noise pollution can have serious implications for public health. The authors of the WHO report estimate that each year, western Europeans lose 1.0,1.6 million disability-adjusted life-years (DALYs) due to traffic noise, a figure thought to be conservative despite accounting for impacts on cardiovascular disease, cognitive impairment in children, sleep disturbance, tinnitus, and annoyance. Sleep disturbance was determined to be responsible for the largest independent share of DALYs lost (903,000), and annoyance (654,000) the next-largest share.[17] Based on its standing definition of health as "a state of complete physical, mental, and social well-being and not merely the absence of disease or infirmity," the WHO concludes that noise-induced annoyance "may be considered an adverse effect on health." [17] High levels of annoyance have also been shown to lead to stress responses and sleep loss, including attendant symptoms such as headache, gastrointestinal upset, anxiety, fatigue, and hypertension.[18,19,20] Wind Turbines Large-scale Wind turbines are a relatively recent innovation, so the body of peer-reviewed research addressing the potential impacts of their unique brand of sound is sparse and particularly unsettled. Anecdotal evidence strongly suggests a connection between turbines and a constellation of symptoms including nausea, vertigo, blurred vision, unsteady movement, and difficulty reading, remembering, and thinking [24] The polarizing issue of wind-turbine noise is often framed one of two ways: Turbines are either harmless,[25] or they tend to have powerful adverse effects, especially for sensitive individuals.[26] According to Jim Cummings, executive director of the nonprofit Acoustic Ecology Institute in Santa Fe, New Mexico, most of the reports to date that have concluded turbines are harmless examined "direct" effects of sound on people and tended to discount "indirect" effects moderated by annoyance, sleep disruption, and associated stress. But research that considered indirect pathways has yielded evidence strongly suggesting the potential for harm.</p>	<p>Comment in Opposition Not Relevant to Content of Draft Permit</p>	<p>This is not relevant to the content of draft permit. Comment noted. Noise concerns are addressed in Exhibit 19 and associated appendices in the Article 10 Application. Public Health and Safety is addressed in Exhibit 15 of the Article 10 Application. A shadow flicker report is included as Appendix 15-A of the Article 10 Application.</p>	<p>Please see responses to Comments 4, 5 and 10 above.</p>
89	89	5/10/2021 22:06	DMM # 21-00026 Public Comments Tab		84A	<p>DMM Date Filed: 06/04/2021 DMM Document Title: Heritage Public Comment Response Matrix - Written Comments and Responses</p>	<p>I support the construction of the Heritage Wind Farm. The negative environmental impacts are minor. The addition of nearly 200 megawatts of renewable electricity is major. We are in a climate crisis to which we must respond immediately and forcefully. The Heritage Wind Farm is an excellent step toward limiting climate chaos.</p>	<p>Comment in Support Not Relevant to Content of Draft Permit</p>	<p>Comment noted. This is not relevant to the content of draft permit, so no further response will be provided.</p>	<p>Comment noted.</p>

90	90	5/11/2021 16:27	DMM # 21-00026 Public Comments Tab		85A	<p>DMM Date Filed: 06/04/2021 DMM Document Title: Heritage Public Comment Response Matrix - Written Comments and Responses DMM Item No.: 42</p>	<p>As a Western New Yorker, I support Heritage Wind as an important element of New York's transition to a fossil-free and low-carbon energy future. I have been observing the planning of this project since its inception. It will bring economic stability and development to the farmers in Orleans County, who would otherwise face selling their farms to developers for warehouses or other much more intrusive construction and reduce the availability of locally produced food. The family farmers have the right to supplement their income in ways that do no harm, and wind turbines are not harmful. Contrary to critics, wind development uses minimal farmland; once completed, construction roadways are restored and each turbine occupies about a quarter of an acre. I have visited wind projects in Wyoming and Lewis counties where cattle graze right up to the turbines. Cows are sensitive animals and would not thrive as they do if there were any danger from the turbines. Wind turbines must meet noise standards; at the setback distances of a third of a mile for neighbors, the sounds of the turbines are 40-45 decibels at the required setback distances, similar to a refrigerator or background noise in a library-- only slightly above background outdoor rural sound levels (when much noisier diesel and gasoline powered equipment is in use.) What people hear is mostly the wind itself. Fears of infrasound have been completely discredited by science; in fact, low-frequency sound is a pervasive, harmless attribute in the environment, coming from wind, waves, leaves, and human sources include bass notes on musical instruments, and white noise sleep aids and privacy machines, and is simply no risk to human or animal health. Those who feel they are affected by wind turbine infrasound are victims of the Nocebo effect. Comparison studies of similar communities with and without wind projects show no differences in any health conditions. I am active in several environmental organizations and am a hiker, camper and paddler who loves birds and natural places. The wildlife studies that must be done as part of wind energy project plans are extremely thorough and impressive; they are in fact an asset to wildlife preservation as no public entity would pay for such exhaustive research, and required mitigation and community benefit will help to preserve species such as eagles through improvements in bird habitat and pro-wildlife public education. While a casual observer, or one under the influence of anti-wind communications, might think wind turbines are a big threat to birds, the scientific data consistently say otherwise. The overall impact on birds is minimal. New technology reduces the risk further, using radar and photography detect flocks of birds and shut off in seconds. Eagles, often mentioned by anti-wind voices, do not fly at the altitude of turbine blades and their nesting sites are avoided in site plans. Most importantly, fossil fuel mining, transport and burning entail many times more harm to birds due to the toxic substances they emit in land and water and especially by habitat loss and migration desynchronizing due to climate change. For this reason, reputable wildlife organizations such as Audubon, support wind power as a net benefit to birds. Wind farms located on migration areas such as Great Lakes shores and the Gulf Coast, show remarkably low levels of bird collisions for years of operation. Finally rural communities like Barry need economic development and improvements to schools and other public facilities. I have seen the benefits wind projects have brought to other rural towns with wind farms. New York State is committed to a clean energy future and it must be implemented based on scientific data, not fear-mongering from corporations and short-sighted elected officials.</p>	<p>Comment in Support Not Relevant to Content of Draft Permit</p>	<p>Comment noted. This is not relevant to the content of draft permit, so no further response will be provided.</p>	<p>Comment noted.</p>
91	91	5/11/2021 23:32	DMM # 21-00026 Public Comments Tab		86A	<p>DMM Date Filed: 06/04/2021 DMM Document Title: Heritage Public Comment Response Matrix - Written Comments and Responses DMM Item No.: 42</p>	<p>I currently reside in Barre, NY. My 4-year-old child was diagnosed with Autism Spectrum Disorder (ASD) resulting in various developmental and neurological abnormalities. I would like to express our opposition for the wind turbine project proposed in the Town of Barre. According to the projected wind turbine map we will have six 700 feet tall wind turbines located all within .75 miles away from our residence including one turbine as close as 1,050 feet away from our residence. Research has shown that the introduction of new noise into a residential environment including noise from an industrial wind turbine can result in disrupted sleep and adverse health effects (Onakpoya, O'Sullivan, Thompson, Heneghana, 2015). In an editorial in the British Medical Journal, Doctors Christopher Hanning and Alun Evans found that 'low-frequency noise is considerably more annoying than higher frequency noise...caus[ing] nausea, headaches, disturbed sleep and cognitive and psychological impairment' (Hanning and Evans, 2012). One of North America's highly recognized wind turbine noise experts Rick James suggests turbines to be placed at a minimum of 1.24 miles (6,547 feet) from all residences to minimize adverse health effects from the electromagnetic field (EMF), shadow flicker, audible noise, and low frequency noise (infrasound) produced by the wind turbine. The height of the turbines used to create this minimum distance is below 400 feet tall which is almost half the height proposed in the Town of Barre wind turbine project, yet the project is allowing wind turbines to be placed as close as 1,050 feet from residences when essentially they should be placed at least 6,547 feet away from residences. Our concerns involve the quality of human life and the adverse health effects related to the close proximity of turbines to homes. People who live near wind turbines experience a decreased quality of life, stress, depression, and cognitive dysfunction (Jeffery, Krogh, Horner, 2014). In addition, individuals with special needs such as ASD will be adversely affected by wind turbine infrasound and audible noise impacting their ability to function daily (Howell, Shubat, Krogh, 2015). People with ASD are extra sensitive to noise due to the abnormal neural connectivity in their brain (Shabha, 2006). When individuals with ASD become overly sensitive to these sounds their nervous system becomes over stimulated resulting in unusual body movements and unusual vocalizations making it extremely difficult for them to complete any task or respond to verbal cues. Individuals with ASD already struggle daily due to their different brain neural connections. Why must we add an additional noise stimulus to trigger their abnormal nervous system making it more difficult for them to progress in speech development, fine motor skills, and social skills to excel in the outside world. More research should be conducted to determine the appropriate distance wind turbines should be placed with respect to residences to protect the public's health and well-being. The World Health Organization (WHO) defines health as a 'state of complete physical, mental, and social well-being and not merely the absence of disease or infirmity.' Research suggests that if wind turbines are placed too close to residences, individuals may suffer headaches, sleep disruption, anxiety, and cognitive dysfunction (Knopper, Olson, McCallum, Whitfield Aslund, Berger, Souweine, McDaniel, 2014). According to the 10th Amendment of the Constitution of the United States we must protect public health. According to the research previously discussed above, it is then unconstitutional to place 700 feet wind turbines as close as 1,050 feet from residences due to the adverse health effects that will result. The last I knew the Constitution of the United States was created to protect the people and not to be violated.</p>	<p>Comments regarding setback concerns</p>	<p>As set forth in the draft permit, the minimum setback from any non-participating residence is 2.0 times turbine tip height, consistent with established standards for operating and approved projects throughout New York State and in other jurisdictions. Maximum turbine tip height allowed per the draft permit is 675 feet. Therefore, no wind turbines are sited closer than 1,350 feet from your residence. Assessment of reasonably probable environmental impacts to public health and safety is included in the Application at Exhibit 15 and related appendices, as updated by the Transition Supplement. Assessment of potential noise impacts is included in the Application at Exhibit 19 and related appendices, as updated by the Transition Supplement. There is no peer reviewed evidence that wind turbines impact individuals with autism. The State has determined that the noise and shadow flicker limits adopted by the State Siting Board and Section 94-c Uniform Standards and Conditions are adequately protective of public health. There is no evidence that those limits are not also protective of individuals with pre-existing health conditions. The State has determined that there is no basis to adopt different noise or shadow flicker standards to address individuals with pre-existing health conditions, or to conduct individualized health assessments for individuals with such conditions [see New York State Siting Board Order Granting Certificate of Compatibility and Public Need Pursuant to Article 10 in Case 18-F-0262, Application of High Bridge Wind (March 11, 2021)].</p>	<p>Please see response to Comment 4 above.</p>
93	93	5/12/2021 12:53	DMM # 21-00026 Public Comments Tab		87A	<p>DMM Date Filed: 06/04/2021 DMM Document Title: Heritage Public Comment Response Matrix - Written Comments and Responses</p>	<p>Are the windmills fire resistant? Can a chainsaw cut through the material?</p>	<p>Comment in Opposition Not Relevant to Content of Draft Permit</p>	<p>Wind turbines are manufactured by steel, composite materials, wire, rubber and plastic. They have mechanical and electrical systems designed for protection by National recognized standards. A discussion of public health and safety issues, such as fire, is included in Exhibit 15 of the Application.</p>	<p>Comment noted.</p>

94	94	5/12/2021 21:05	DMM # 21-00026 Public Comments Tab		88A	<p>DMM Date Filed: 06/04/2021 DMM Document Title: Heritage Public Comment Response Matrix - Written Comments and Responses DMM Item No.: 42</p> <p>To whom it may concern,</p> <p>As a Land owner, former, and future resident of the town of Barre, I feel that it is important that I say a piece about the siting of the wind turbines in the town. While there is a very vocal minority that condemns the placement of a windfarm in our area, there is a majority that, while not vocal for many reasons, would very much like to see the turbines built and running. The town board has struggled with this in recent years as this process has plodded along, partly because there is far too much misinformation being spewed through the community about the effects of proximity to power generating wind turbines. Everything from noise levels, to cancer clusters to wildlife impacts, all of which have been proven time and again through peer reviewed studies to be so much Hoovey!</p> <p>It's time to bring the future to the town of Barre. Not that long ago the town was speckled with businesses, from motorcycle and tractor dealerships, car repair shops, a camper dealer, a snowmobile dealer, even a semi-famous delicatessen that made some of the best breakfasts and lunches to be had in the county, but these businesses have faded away with the old guard population. Now we are a bedroom community, the brunt of our residents work in Erie, Genesee and Monroe counties. They shop and get service where it is convenient from their jobs. Barre has lost the tax base that those businesses provided, and the burden has fallen on the residents, to keep up the roads, water systems and other infrastructure. The farmers are the majority landowners in the town and they truly bear the heaviest tax load, and while they have some really great harvests occasionally, they can't always count on the largess of mother nature to provide a perfect growing season. But in inclement weather, the wind always blows. There are a fair handful of naysayers trying to take away the boon of wind energy from the residents of Barre, but I truly believe that those naysayers can be made into believers when their taxes go down, and their roads are kept in better shape, and when they have the possibility of local jobs again. Commuting to the surrounding areas for work day in and day out drags on a person, and with the construction of new utilities, would come jobs. Not all the workers will be from our town, of course not, but some may decide to stay, and during construction, I am sure many will be looking for places to stay, to eat, to get services. They will be looking for ways to spend those paychecks. More tax money coming in, because spending money means sales taxes!</p> <p>More than a decade ago the town planning board and zoning board saw the future, they drafted an ordinance to allow for the placement of wind turbines in the town, looking to the future. They used the best advice they could find at the time, and in the intervening years, much has changed, and so the town did some homework and adjusted their perspective, and adopted some updated standards. These updates give us the capacity to see that the future is today, and that we truly do want to see these turbines brought to life in our community. Please give it Due consideration, but also remember that we have been hoping for this project for much longer than Apex and Heritage have been looking at us. Thank you for your time.</p> <p>Sincerely, Karl A. White</p>	Comment in Support Not Relevant to Content of Draft Permit	Comment noted. This is not relevant to the content of draft permit, so no further response will be provided.	Comment noted.
95	95	5/12/2021 21:10	DMM # 21-00026 Public Comments Tab		89A	<p>DMM Date Filed: 06/04/2021 DMM Document Title: Heritage Public Comment Response Matrix - Written Comments and Responses DMM Item No.: 42</p> <p>The Climate Leadership and Community Protection Act, passed in 2019, requires the state to produce 70% of its electricity by 2030 and 100% by 2040. We need projects like Heritage Wind to begin construction now in order to meet these targets. The environmental safeguards built into the Article 10 process (now succeeded by the 94-C process) were rigorous and the project worked through those to the satisfaction of state regulators. Enough so that when reviewed by the Sierra Club, they gave their endorsement to the project.</p> <p>The project is a benefit to all concerned: the host community will be receiving a new stream of revenue (through PILOT payments); local farmers leasing their land for the turbines will be receiving a payment regardless of the effects of rising temperatures and erratic precipitation; wildlife will not be subject to carbon and soot emissions that alternative fossil fuel power would create; and the siting is carefully planned to minimize the impacts to wildlife and sensitive habitats.</p> <p>I urge that the Office of Renewable Energy Siting approves the application of the Heritage Wind project.</p>	Comment in Support Not Relevant to Content of Draft Permit	Comment noted. This is not relevant to the content of draft permit, so no further response will be provided.	Comment noted.
96	96	5/12/2021 21:14	DMM # 21-00026 Public Comments Tab		90A	<p>DMM Date Filed: 06/04/2021 DMM Document Title: Heritage Public Comment Response Matrix - Written Comments and Responses DMM Item No.: 42</p> <p>Renewable energy is a crucial part of the fight against climate change, but we are losing millions of birds each year and cannot afford to have a wind power project so close to Iroquois National Wildlife Refuge and two NYS Wildlife Management Areas. Birds are an important part of our ecosystem and they are already having problems because of climate change and loss of habitat. No wind power project should be located in this important bird area. It should be located in an area that is not so vital to our bird population.</p>	Comment regarding Wildlife	This is not relevant to the content of draft permit. As described in the Avian Risk Assessment submitted as Appendix 22-F to the Article 10 Application, the Iroquois National Wildlife Refuge (INWR) is located more than 2 miles to the southwest of the closest turbine and the remaining turbines are located more than 3 miles from the INWR boundary and the Oak Orchard Wildlife Management Area (OOWMA) is located more than 1 mile southwest of the closest turbine and more than 2 miles from the next closest turbine.	Please see response to Comment 17 above.
97	97	5/13/2021 6:25	DMM # 21-00026 Public Comments Tab		91A	<p>DMM Date Filed: 06/04/2021 DMM Document Title: Heritage Public Comment Response Matrix - Written Comments and Responses</p> <p>I fully support the windmills and look forward to all the positive changes coming to Barre that will benefit all people that live here.</p>	Comment in Support Not Relevant to Content of Draft Permit	Comment noted. This is not relevant to the content of draft permit, so no further response will be provided.	Comment noted.
98	98	5/13/2021 20:48	DMM # 21-00026 Public Comments Tab		92A	<p>DMM Date Filed: 06/04/2021 DMM Document Title: Heritage Public Comment Response Matrix - Written Comments and Responses DMM Item No.: 42</p> <p>While global warming is undoubtedly a scientific issue, there are extreme significant concerns immediately affecting us today. For example, the United States is losing over 175 acres of farmland PER DAY. It is unfathomable to think that there would be no impact to our rural community should we allow wind projects into the town of Barre. Barre proudly erected signs at the town lines on major highways, which boldly state that Barre is a Right to Farm Community. However, wind turbines are not agricultural and do not fit the U.S. Agriculture Department's (USDA) definition of a farm. USDA defines a farm as any place that produced and sold, or normally would have produced and sold, at least \$1,000 of agricultural products during a given year. USDA uses acres of crops and head of livestock to determine if a place with sales less than \$1,000 could normally produce and sell at least that amount. The vast amount of farmland, land, wilderness, heritage fruit and nut trees, as well as habitat lost will greatly have a negative impact to our community.</p> <p>The proposed wind project would negatively impact our town and our area. Therefore, as a resident of the Town of Barre, I am opposed to the proposed Heritage Wind project.</p>	Comment in Opposition Not Relevant to Content of Draft Permit	Comment noted. This is not relevant to the content of draft permit, so no further response will be provided.	Wildlife resources are addressed in Comment 17, and agricultural resources are addressed in Comment 82. As noted in Comment 35 above, the Draft Permit addresses requirements for decommissioning and site restoration in subpart 5-VI and the site specific conditions at 6(h), and requires the permittee to implement the approved Decommissioning and Site Restoration Plan in compliance with 19 NYCRR §900-2.24.
99	99	5/14/2021 8:22	DMM # 21-00026 Public Comments Tab		93A	<p>DMM Date Filed: 06/04/2021 DMM Document Title: Heritage Public Comment Response Matrix - Written Comments and Responses DMM Item No.: 42</p> <p>There is no compelling need for the 48 MW Heritage Wind Project. NYS Wind Capacity Factors are 26% so 184.6 MW is in reality only 48 MW. Who would spend their money on something that takes years to construct with only a 25 year lifespan that requires a subsidy to generate a product that drives up the wholesale cost of electricity.</p> <p>Nearby 40 miles to the west the Niagara Hydroelectric Power Plant is operating well below capacity. For 2020 the NYPA reports Net Generation at 17,244,800 MWH yielding a Capacity Factor of 63.5%. Increasing the subsidized Niagara Power Plant CF to 65.1% would generate an equivalent amount that proves Heritage Wind is a wasteful exercise.</p> <p>The NYSPSC is well aware of the need to increase the Capacity Factor at the Niagara Power Project. Therefore a significant high voltage transmission line upgrade is currently under construction with the purpose being to take full advantage of a fully reliable renewable source operating safely since 1960 (61 years not 25). The NYPA is spending billions of dollars modernizing the plant titled "Next Generation Niagara".</p> <p>Wind Curtailment protocols would give generation priority to the Niagara Power Project. Note for 2020 NYS Wind Curtailment was 62,000,000 MWH a significant amount and a factor not addressed by Heritage Wind.</p>	Comment in Opposition Not Relevant to Content of Draft Permit	Comment noted. This is not relevant to the content of draft permit, so no further response will be provided.	As noted in Comment 50B above, the permittee has determined that the proposed facility design and layout are sufficient to generate approximately 184 MW of clean, renewable wind energy and meet all commitments in regard to the feasibility of the project. As further noted in comment 35 above, in compliance with the CLCPA, New York State is pursuing multiple renewable energy options to transform the State to a carbon-free economy, including measures to upgrade transmission capacity statewide. While hydropower is included in the diverse mix of energy options, it is not a replacement for the major (utility-scale) wind and solar projects, which are necessary to achieve CLCPA targets of 70% clean energy by 2030 and carbon-free electrical generation by 2040.
100	100	5/14/2021 9:00	DMM # 21-00026 Public Comments Tab		94A	<p>DMM Date Filed: 06/04/2021 DMM Document Title: Heritage Public Comment Response Matrix - Written Comments and Responses</p> <p>I am writing to express my support for the Heritage Wind Project in Barre. This project will not only benefit our community but support a future of clean energy.</p>	Comment in Support Not Relevant to Content of Draft Permit	Comment noted. This is not relevant to the content of draft permit, so no further response will be provided.	Comment noted.

101	101	5/14/2021 9:04	DMM # 21-00026 Public Comments Tab		95A	DMM Date Filed: 06/04/2021 DMM Document Title: Heritage Public Comment Response Matrix - Written Comments and Responses	I am writing to express my support for the Heritage Wind Project in Barre. This project will not only benefit our community but support a future of clean energy.	Comment in Support Not Relevant to Content of Draft Permit	Comment noted. This is not relevant to the content of draft permit, so no further response will be provided.	Comment noted.
102	102	5/14/2021 10:29	DMM # 21-00026 Public Comments Tab		96A	DMM Date Filed: 06/04/2021 DMM Document Title: Heritage Public Comment Response Matrix - Written Comments and Responses DMM Item No.: 42	I just wonder if any of these pro turbine people understand the length of time it will take to build all these turbines in Barre? The roads will be destroyed, the noise will be deafening, they have to actually build new roads to access the area where these turbines will be. It will be years of constant noise... it will be awful for the children to have to live with this...not to mention the constant sound and flicker of light of these turbines when they're built. These turbines will last about 20 years Then will have to be removed most likely by the land owner. Is this all really worth a small amount of savings in your taxes? Don't count on it!	Comment in Opposition Not Relevant to Content of Draft Permit	This is not relevant to the content of draft permit. Comment noted. Noise concerns are addressed in Exhibit 19 and associated appendices in the Article 10 Application. Effects on Transportation are addressed in Exhibit 25 of the Article 10 Application. Shadow flicker is addressed in Exhibit 15 and Appendix 15-A of the Article 10 Application. A decommissioning plan, which addresses providing financial security to support removal if necessary, is included in Appendix 15-B of the Article 10 Application.	Please see responses to Comments 4, 5, and 35 above. Without limitation, the Office has reviewed the applicant's submittal with regard to their effects on transportation from construction vehicles. A Road Use Agreement (RUA) will be entered into between Orleans County and the Town of Barre requiring use and restoration of local roadways. A draft of this RUA can be found in DMM Item No. 5. Noise limitations during facility construction and operation, and construction vehicle effects are addressed in the Draft Permit. See e.g., Draft Permit, subparts 5-IV(a) - (k), V(a), 7-I(e)(8)(iv).
103	103	5/14/2021 10:52	DMM # 21-00026 Public Comments Tab		97A	DMM Date Filed: 06/04/2021 DMM Document Title: Heritage Public Comment Response Matrix - Written Comments and Responses DMM Item No.: 42	Photograph attachment of the 3100 MW Niagara Power Project situated on 3100 acres. This photo is part of my submission on Comment # 99 on May 14, 2021. Note the Power Density of 1 MW per 1 acre. Power Density of wind is embarrassing poor.	Comment in Opposition Not Relevant to Content of Draft Permit	This is not relevant to the content of draft permit. Comment noted. Based on the wind turbine proposed for the Heritage Wind project in the Article 10 Application, a single wind turbine has a capacity of 5.6 MW which takes up less than 1 acre of land.	In compliance with the CLCPA, New York State is pursuing multiple renewable energy options to transform the State to a carbon-free economy, including measures to upgrade transmission capacity statewide. While solar is included in the diverse mix of energy options, it is not a replacement for major (utility-scale) land-based wind projects, which are necessary to achieve CLCPA targets of 70% clean energy by 2030 and carbon-free electrical generation by 2040.
104	104	5/14/2021 14:57	DMM # 21-00026 Public Comments Tab		98A	DMM Date Filed: 06/04/2021 DMM Document Title: Heritage Public Comment Response Matrix - Written Comments and Responses DMM Item No.: 42	As a resident of Orleans County and someone who regularly meets family and friends to go hiking and birding at the Iroquois National Wildlife Refuge, I am very concerned about the proposed Heritage Wind project in Barre, NY. The project's extremely close proximity to the Wildlife Refuge and the Oak Orchard and Tonawanda Wildlife Management Areas is a grave concern. We need solutions to climate change but not at the expense of important environmentally sensitive areas. This is an ill placed project that will do more harm than good. The Refuge and Wildlife Management Areas are a key link in the western portion of the Atlantic Flyway, the major north-south route for migratory birds in North America. These areas serve as a nesting, feeding, resting and staging areas for the birds. There are also resident birds such as eagles, osprey, and hawks. In all 266 species of birds are supported in the forests, grasslands, emergent marsh and hardwood swamp habitats, along with 42 species of mammals, plus amphibians, reptiles and insects. What will happen to the balance of this ecosystem and all the species in it. Many birding groups, including the American Birding Conservancy, are concerned about the high number of bird collisions that will be caused by the turbines and power lines and that much more needs to be done to minimize the negative impacts. Please explore these issues further before going any farther with this project.	Comment Regarding Wildlife	This is not relevant to the content of draft permit. As described in the Avian Risk Assessment submitted as Appendix 22-F to the Article 10 Application, the Iroquois National Wildlife Refuge (INWR) is located more than 2 miles to the southwest of the closest turbine and the remaining turbines are located more than 3 miles from the INWR boundary and the Oak Orchard Wildlife Management Area (OOWMA) is located more than 1 mile southwest of the closest turbine and more than 2 miles from the next closest turbine.	Please see response to Comment 17 above.
105	105	5/16/2021 13:07	DMM # 21-00026 Public Comments Tab		99A	DMM Date Filed: 06/04/2021 DMM Document Title: Heritage Public Comment Response Matrix - Written Comments and Responses DMM Item No.: 42	Heritage Wind placement in close proximity to Iroquois National Wildlife Refuge is so wrong!! ref-uge noun a condition of being safe or sheltered from pursuit, danger, or trouble. What could possibly be "safe or sheltered" by placing an industrial wind factory in the path of a wildlife refuge???? This is absolutely insane.	Comment Regarding Wildlife	This is not relevant to the content of draft permit. As described in the Avian Risk Assessment submitted as Appendix 22-F to the Article 10 Application, the Iroquois National Wildlife Refuge (INWR) is located more than 2 miles to the southwest of the closest turbine and the remaining turbines are located more than 3 miles from the INWR boundary and the Oak Orchard Wildlife Management Area (OOWMA) is located more than 1 mile southwest of the closest turbine and more than 2 miles from the next closest turbine.	Please see response to Comment 17 above.
106	106	5/17/2021 13:49	DMM # 21-00026 Public Comments Tab		100A	DMM Date Filed: 06/04/2021 DMM Document Title: Heritage Public Comment Response Matrix - Written Comments and Responses DMM Item No.: 42	My name is Nancy Blank. My husband Ed and I live on East Barre Road in the the town of Barre. We bought our farm 42 years ago and spent many hours improving it. We are both graduates of Cornell University's Animal Science department and we are extremely opposed to the Heritage Wind project being proposed for our small town. According to Apex's lease and original statements; turbines were to be placed on unproductive land, ledges, or mountainous regions away from the populous. This project will put 33, 686 foot turbines on productive, flat farmland currently in use. It will disturb wetlands and is right in the middle of a migratory flyway. These huge turbines are the largest on land in the U.S. There has not been enough studies (if any) done on turbines this size to determine safe setback distances, how they will visually impact neighboring communities, or how they will interfere with radio, tv, computers or any electronic devices. Being such flat topography, we feel this project will intrude upon most of Barre's resident's rights to peaceful enjoyment of their property due to flicker, trespass zoning, flashing red lights at night, and inaudible noise known as infrasound that has damaging long lasting and accumulative effects that are magnified as the vibrations pass through the walls of homes. Some of these negative effects are listed in the Apex contract and have been documented by doctors, nurses, and those living within wind turbine parks. Supporters of wind dismiss the nausea, headaches, ear ringing, heart palpitations, insomnia etc and falsely label these real diagnosed conditions as NOCEBO. Another reason this project is wrong for Barre is because we are located 16-20 miles from Iroquois Wildlife Refuge. Over the past few years many residents including Ed and myself have documented sightings of bald eagles right on East Barre Road ...more are seen with each passing year.The American Wind Energy Association has this region listed as " marginal" for wind production. New York is not even in the top 10 best states for wind production. Another thing to consider is that Barre is on the Clarendon-Linden faultline. Does anyone know what the additional vibration from over 20 massive turbines will do to this faultline? Have any studies addressed this? This project is not in compliance with Barre's comprehensive plan for keeping farmland as farm land...we had very specific zones for industrialization which has been expanded recently but originally was along route 98. Wind companies like to use the term wind farms. There is nothing about electricity production that is agricultural. Some health departments in Western N.Y. have already declared wind energy to be a human health hazard. Ed and I agree and we think there should be a moratorium on this project and others in NY until further studies are done and there is an official vote of RESIDENTS conducted. We feel that NY and the USA should be looking to expand more permanent forms of energy production such as hydropower from Niagara Falls and nuclear like the Ginna plant. Wind and solar are only temporary intermittent power lasting 10-20 years and then there are the non recyclable panels and blades. The elements used in solar panels and wind magnets are mined in China. Many other parts of turbines are made in other countries too. Mining these elements leaves toxic pools polluting the Earth. How is this green? How is burying old turbine blades helping future generations? Please do not make our legacy so short sighted!!! Please deny this project.	Comment in Opposition Not Relevant to Content of Draft Permit	Comment noted. This is not relevant to the content of draft permit, so no further response will be provided.	Please see responses to Comments 4, 5, 10, 17, 35, 50B, 57 and 82 above. The proposed turbines will comply with the height and setback requirements in the Barre Town Code. In compliance with the CLCPA, New York State is pursuing multiple renewable energy options to fight climate change by transforming the State to an emissions-free economy. While hydropower and nuclear are included in the diverse mix of energy options, these technologies do not replace major (utility-scale) wind and land-based solar projects that are necessary to achieve CLCPA targets of 70% clean energy by 2030 and emissions-free electrical generation by 2040.
107	107	5/17/2021 18:08	DMM # 21-00026 Public Comments Tab		101A	DMM Date Filed: 06/04/2021 DMM Document Title: Heritage Public Comment Response Matrix - Written Comments and Responses DMM Item No.: 42	The proposed project area should be seen as wetlands. The area has a number of interconnected waterways and in the spring water covers some of the roads in the Iroquois National Wildlife Refuge. The ORES regulations do not give a great deal of opportunity for studying the flow of water. The installation of 33 turbines and the thousands of truckloads of concrete and gravel planned must raise some concerns about how the waters and the related birds and other wildlife will be affected in both wildlife management areas and the refuge. This should be looked at from the perspective of the U.S. Fish and Wildlife in addition to the planned permitting from the U.S. Army Corp. of Engineers and the long term health of the area should be considered. Areas of remediation are often announced for areas around Niagara Falls. I propose that this project be sited somewhere away from this area, saving us future remediation and saving the habitat for the wildlife already here.	Comment Regarding Wildlife	This is not relevant to the content of draft permit. Comment noted. Wetlands have been delineated and impacts to wetlands are addressed in Appendix 22-J and 22-K of the Article 10 application. This is not relevant to the content of draft permit. As described in the Avian Risk Assessment submitted as Appendix 22-F to the Article 10 Application, the Iroquois National Wildlife Refuge (INWR) is located more than 2 miles to the southwest of the closest turbine and the remaining turbines are located more than 3 miles from the INWR boundary and the Oak Orchard Wildlife Management Area (OOWMA) is located more than 1 mile southwest of the closest turbine and more than 2 miles from the next closest turbine.	Please see responses to Comment 17 (wildlife) and Comment 57 (wetlands) above.

108	108	5/17/2021 20:29	DMM # 21-00026 Public Comments Tab		102A	<p>DMM Date Filed: 06/04/2021</p> <p>DMM Document Title: Heritage Public Comment Response Matrix - Written Comments and Responses</p> <p>DMM Item No.: 42</p>	<p>The Heritage Wind project is planned for an area dangerously close to important wildlife management areas, areas that have been designated as Important Bird Areas (IBAs). Both the Iroquois Wildlife Refuge and Oak Orchard Wildlife Refuge are IBAs that support species documented to be at special risk from wind power projects, including short-eared owls and nesting bald eagles. These IBAs also serve as important staging areas for migrating waterfowl and migrating songbirds, as well as serving as important nesting areas.</p> <p>Perhaps of greatest concern is that the area proposed for the Heritage Wind project is located in, or in proximity to, a critical migration corridor for golden eagles, as well as for other migrating raptors: the south shore of Lake Ontario is a well-documented flyway for the small and vulnerable eastern population of golden eagles. This migration path for golden eagles is not restricted to the lakeshore itself but extends a number of miles inland, and, given certain weather and wind conditions, may include the area proposed for the Heritage Wind project.</p> <p>HMANA supports the development of renewable energy resources as an important step in countering devastating climate change, but such development must be done in a way that does not create unacceptable risks to important and endangered wildlife. At this point the project fails to address such risks. Before approval, New York State must require the following: additional field studies, in consultation with such organizations as New York Audubon, The American Bird Conservatory, and the U.S. Fish and Wildlife Service, to fully evaluate risk to avian species; a commitment from the developer to conduct rigorous and formal bird mortality monitoring once the project becomes operational; a commitment from the developer to relocate turbines away from sensitive areas identified in any risk analysis made; and a commitment from the developer to create compensatory mitigation to offset bird mortality, including removing any turbines that have proven to cause damage to avian wildlife.</p>	<p>Comment in Opposition Not Relevant to Content of Draft Permit</p>	<p>This is not relevant to the content of draft permit. Comment noted. With respect to wildlife concerns, please see Attachment "Technical Memorandum for Heritage Wind's Response to Proposed Issues and Public Comments on Avian Issues"</p>	<p>Please see response to Comment 17 above.</p>
109	109	5/17/2021 21:38	DMM # 21-00026 Public Comments Tab		103A	<p>DMM Date Filed: 06/04/2021</p> <p>DMM Document Title: Heritage Public Comment Response Matrix - Written Comments and Responses</p> <p>DMM Item No.: 42</p>	<p>At one time, we were very concerned that we were losing our American national symbol, the Bald Eagle due to the weakening of their shells due to the wide use of the pesticide DDT. Then through National focus, we stopped using DDT and gradually we have nursed this great birds back. So why now are we willing to threaten this great bird and others by building a 600 foot plus tall fence of wind turbines nigh onto a National Wildlife Refuge? How could this be good sense? We were not deluded before in saving the birds from DDT. So we must be delusional now if we are not protecting still.</p>	<p>Comment regarding Wildlife</p>	<p>This is not relevant to the content of draft permit. Comment noted. Wetlands have been delineated and impacts to wetlands are addressed in Appendix 22-J and 22-K of the Article 10 application. This is not relevant to the content of draft permit. As described in the Avian Risk Assessment submitted as Appendix 22-F to the Article 10 Application, the Iroquois National Wildlife Refuge (INWR) is located more than 2 miles to the southwest of the closest turbine and the remaining turbines are located more than 3 miles from the INWR boundary and the Oak Orchard Wildlife Management Area (OOWMA) is located more than 1 mile southwest of the closest turbine and more than 2 miles from the next closest turbine.</p>	<p>Please see response to Comment 17 above.</p>
110	110	5/18/2021 9:00	DMM # 21-00026 Public Comments Tab		104A	<p>DMM Date Filed: 06/04/2021</p> <p>DMM Document Title: Heritage Public Comment Response Matrix - Written Comments and Responses</p> <p>DMM Item No.: 42</p>	<p>The Heritage Wind project could pose unique risks related to radar interference to marine vessels traveling the Great Lakes. Area residents have likely all seen local weather reports reference false or confusing readouts from turbines in the southern tier of the state. However, the closeness of such massive turbines close to Lake Ontario is new to this region of the state. The topic of interference to navigational radar was explored in July 2020 in a webinar series devoted to off shore wind turbine radar interference and the effects radar interference can have on marine vessels.</p> <p>In particular, I am referencing an Offshore Wind Turbine Radar Interference Mitigation Series. https://www.energy.gov/sites/prod/files/2020/07/17/6/offshore-wind-turbine-radar-interference-mitigation-webinar-7-13-2020.pdf</p> <p>The above webinar recommended that developers as part of their navigation safety assessment should provide research regarding whether or not the towers could produce radio interference to any frequencies used for navigation or communications. Blind spots could create adverse effects in vessel to vessel and vessel to shore communications. Discussions went on to make the point that wind farms do have an effect on radar navigation and can mean the difference between a target (approaching ship or obstacle) being visible or invisible.</p> <p>The conclusion was that updated studies by developers based on actual wind farms with larger turbines be done. What has Apex done in this regard? What is their specific research?</p> <p>It is logical to say, especially if one has watched a lake freighter navigating rough waters 13 miles from the Lake Ontario shoreline, that this is an important issue.</p> <p>Ship captains need to be able to navigate blind, when there is no visibility at night due to bad weather or dense fog.</p> <p>Radar accurate radar is necessary for key early warnings. Radar needs to discern all targets at all times. Radar signals bouncing off moving blades can cause distortions.</p> <p>What exactly has Apex done in regard to this issue? Their turbines would be taller than those planned even for off-shore settings. What specific data supports their statements regarding this issue and Lake Ontario navigation?</p> <p>Thank you.</p> <p>Paul Schwabel Somerset, NY</p>	<p>Comment in Opposition Not Relevant to Content of Draft Permit</p>	<p>Comment noted. This is not relevant to the content of draft permit, so no further response will be provided.</p>	<p>Permittee addressed the issue of effects on communications, including the potential interference with radar, in Exhibit 26 of the permit application (DMM Item No. 6). Noting that radio frequency (RF) interference is an issue that remains in the federal domain, the Draft Permit requires permittee to separately comply with all applicable federal requirements including without limitation those of the Federal Communications Commission (FCC), Federal Aviation Administration (FAA) and other regulators. Draft Permit, subparts 5-1(d) and 7-1(a).</p>
111	111	5/18/2021 9:27	DMM # 21-00026 Public Comments Tab		105A	<p>DMM Date Filed: 06/04/2021</p> <p>DMM Document Title: Heritage Public Comment Response Matrix - Written Comments and Responses</p> <p>DMM Item No.: 42</p>	<p>Ladies and Gentlemen:</p> <p>By allowing Apex to bypass several Barre town laws and regulations, ORES has effectively greatly weakened the voices of local citizens who worked diligently to craft laws and regulations that were appropriate for their own communities.</p> <p>Studies done for offshore turbines promised New York City and Long Island residents that they would not see turbines even shorter than those proposed for Heritage Wind from the shoreline. Rural citizens have not been given any such promise and, instead, must contend with larger turbines than those proposed off shore.</p> <p>The approval of Heritage Wind in the speedy, frictionless process cheered by bureaucrats, well-funded "non profits," and out-of-state companies like Apex, who have unlimited bank accounts, will only accelerate the loss of what we who have spent years building our lives here have worked hard to preserve.</p> <p>It is downstate that Albany claims needs the clean energy from rural New York, but it is upstate that will see the massive towers of Heritage Wind change their lives in major ways. The Iroquois Wildlife Preserve is only a few miles from the towers proposed by Apex. Were the Apex planners in Virginia so deficient that they never read the history of the area? Do those same experts even acknowledge that areas in the region of their turbines are prized for dark skies, praised by astronomers, photographers, and tourists? Have they accounted for effects of the turbines and turbine construction on the nearby Oak Orchard Wildlife area that together with the Iroquois NWR is a major tourist destination and part of a 12-mile-long, contiguous, state-federal wetland area? (https://www.dec.ny.gov/docs/wildlife_pdf/yloaokorchhmp.pdf)</p> <p>Sound and vibration "models" are exactly that; they are models. The reality is that when "models" prove wrong, industrial wind farms are not taken down. What data-specific data--can Apex produce related to the placement of turbines of the size they propose next to rural homes?</p> <p>There are far smarter and less destructive ways to achieve renewable energy goals than the massive, region wide issues Heritage Wind will cause.</p> <p>More than any other project that has ever come before the state for approval, Heritage Wind needs to be fully vetted and local experts heard in formal and public hearings.</p> <p>Thank you.</p> <p>Peg Schwabel Somerset, NY</p>	<p>Comments regarding local law waivers</p>	<p>This comment largely takes issue with the Section 94-c process and ORES's ability to waive local laws. To the extent that the comment takes issue with ORES's specific decision to waive local laws in this case, the Record supports the waivers. Exhibit 31 of the Application outlines the unreasonably burdensome nature of the provisions for which a waiver was sought. The Town of Barre has since amended its local laws to remove many provisions for which a waiver was needed, and to clarify other provisions. The Draft Permit does not reflect these local law changes adopted in early 2021. Lastly, in terms of process, the Section 94-c process provides the Town with the opportunity to assess compliance with local laws through a Municipal Statement of Compliance and to raise any substantive and significant issues related to, for example, local law compliance or waivers, in their Statement of Issues. The Town of Barre submitted a Statement of Issues and Municipal Statement of Compliance on May 18, 2021.</p>	<p>Please see responses to Comments 4, 5, 10 and 17 above. Following the Office's March 15, 2021 issuance of a Draft Permit in compliance with EL § 94-c and the Office's regulations at 19 NYCRR part 900, public notice was provided and a robust public comment period and issues determination procedure was conducted under supervision of two assigned Administrative Law Judges (ALJs). See <i>Combined Notice of Availability of Draft Permit Conditions, Public Comment Period and Public Comment Hearing, and Commencement of Issues Determination Procedure</i> (DMM Item No. 24). This process included a public comment hearing on May 20, 2021 and a public comment period allowing for the submission of written comments through May 21, 2021. Following the issues determination procedure (see <i>Ruling on Issues and Party Status, Interim Decision of the Executive Director</i> and Ruling on Late-Filed Petitions for Amicus Status at DMM Item Nos. 47, 58 and 76, respectively), an adjudicatory hearing was held by the ALJs on October 27, 2021 in compliance with 19 NYCRR subpart 900-8. Additional information can be found in the record of this proceeding at Document Matter Management (DMM) system Matter No. 21-00026, accessible online at https://ores.ny.gov/permit-applications.</p>

112	112	5/18/2021 15:14	DMM # 21-00026 Public Comments Tab		106A and 141A	<p>DMM Date Filed: 06/04/2021 DMM Document Title: Heritage Public Comment Response Matrix - Written Comments and Responses DMM Item No.: 42</p>	<p>Our group, "Save Our Environment Limited" and its associated members and volunteers have conducted extensive environmental studies in the Town of Barre. Our findings have shown that the Industrial Wind Turbines projected for the Town would have a devastating impact on the environment, wildlife and the residents of the Town of Barre. The Town of Barre has been a major flyway and stop over for all migratory birds and waterfowl and also have been proven feeding grounds for the Bald Eagle and other birds of prey. It is inevitable that there will be a high mortality rate if this project were to move forward.</p> <p>The Towns close proximity to the bordering Iroquois National Wildlife refuge makes this site impractical for the placement of these Industrial Turbines, which are projected to be some of the largest ever constructed in North America at 700 feet. Preservation of the breeding pairs of Eagles and their offspring would be impossible, not to mention the devastation of the surrounding fields, wetlands and forests that the Town provides for all wildlife and scenic beauty.</p> <p>According to the provisions written in New York State Law Section 94C there will be money paid to the state by the "green energy" company applicants that will be put into a "Wildlife Mitigation Fund" for potential kills of protected or endangered wildlife. In other words, a prepay fine penalty/permit that will be paid up front in order to do away with any future culpability, should an endangered or threatened species be killed.</p> <p>The objective of Section 94C, in its own words, is to do away with anything that could prove to be "burdensome" in the placement and approval process of these green energy projects, meaning, existing laws. This is reminiscent of Corporate America paying for their "Smog Emission Credits" and is an insulting and irrational gesture to think that money could somehow replace the life and unique biodiversity of the Town Of Barre and its residents. Section 94C will supersede the most important laws and regulations put in place and upheld by The New York State Department of Environmental Conservation, its Commissioner and The State Historic Preservation Office.</p> <p>The placement of Industrial Wind Turbines in The Town Of Barre would create an unprecedented State and corporate power move that would pave the way for projects of this magnitude in the most environmentally and culturally sensitive areas in New York State.</p>	<p>Comment in Opposition Not Relevant to Content of Draft Permit</p>	<p>This is not relevant to the content of draft permit. Comment noted. With respect to wildlife concerns, please see Attachment XX. The wildlife mitigation for this project is addressed in the Net Conservation Benefit Plan in Appendix 22-H of the Article 10 Application. Please see Attachment "Technical Memorandum for Heritage Wind's Response to Proposed Issues and Public Comments on Avian Issues"</p>	<p>Please see responses to Comment 17 (wildlife) and Comment 57 (wetlands) above.</p>
113	113	5/19/2021 0:55	DMM # 21-00026 Public Comments Tab		107A	<p>DMM Date Filed: 06/04/2021 DMM Document Title: Heritage Public Comment Response Matrix - Written Comments and Responses DMM Item No.: 42</p>	<p>I want every person involved in the decision making process of moving The Town of Barre NY Wind project forward that it is the leasers and the their families that want the wind Turbine project. Two completely different surveys were taken independently from each other shows that the majority of the residents do not want this project, over 80% !!!--</p> <p>The public Hearing held by the Town board did answer many of the public questions. I ask the town to contact the manufacturer of the 700 foot turbine and request the safety regulation. Then share these regulations with the residents. The town did not contact the manufacturer or share anything with the Barre's residents. Should not the safety regulations of the manufacturer of this turbine be the core point in the towns wind laws; in order to protect the residents? The town Board and the county were sent a letter by Attorney Abraham listing illegal violation of procedures by the town board and Apex / Heritage Wind yet Orleans County accepted the agreement without reading or investigating the improprieties. HOW CAN PAID OFFICIALS JUST DISMISS THE LAW AND NOT REPRESENT THE PEOPLE THAT PAY THEM? I AM IN HOPES THAT THE LAWSUIT WITH RIGHT ALL THESE WRONGS FOR THE SAKE OF THE GOOD FOLKS OF BARRE</p> <p>I pray that ORES has deeper professional integrity then our Town Board of Barre NY and the County Orleans.</p>	<p>Comment in Opposition Not Relevant to Content of Draft Permit</p>	<p>Comment noted. This is not relevant to the content of draft permit, so no further response will be provided.</p>	<p>For information, turbine specifications for the Vestas turbines can be found on the manufacturers website and in Appendix 6-A (DMM Item No. 2). Final specifications will be provided to the Office as a pre-construction compliance filing, along with updates to all relevant materials. With respect to the ORES process, following the Office's March 15, 2021 issuance of a Draft Permit in compliance with EL § 94-c and the Office's regulations at 19 NYCRR part 900, public notice was provided and a robust public comment period and issues determination procedure was conducted under supervision of two assigned Administrative Law Judges (ALJs). See <i>Combined Notice of Availability of Draft Permit Conditions, Public Comment Period and Public Comment Hearing, and Commencement of Issues Determination Procedure</i> (DMM Item No. 24). This process included a public comment hearing on May 20, 2021 and a public comment period allowing for the submission of written comments through May 21, 2021. Following the issues determination procedure (see <i>Ruling on Issues and Party Status</i>, <i>Interim Decision of the Executive Director</i> and <i>Ruling on Late-Filed Petitions for Amicus Status</i> at DMM Item Nos. 47, 58 and 76, respectively), an adjudicatory hearing was held by the ALJs on October 27, 2021 in compliance with 19 NYCRR subpart 900-8. Additional information can be found in the record of this proceeding at Document Matter Management (DMM) system Matter No. 21-00026, accessible online at https://ores.ny.gov/permit-applications.</p>
114	114	5/19/2021 3:07	DMM # 21-00026 Public Comments Tab		108A	<p>DMM Date Filed: 06/04/2021 DMM Document Title: Heritage Public Comment Response Matrix - Written Comments and Responses DMM Item No.: 42</p>	<p>Because I do NOT have a land lease we are totally AGAINST wind turbines. I have lived in the same house in the Town Of Barre since 1973. 8 of the proposed wind turbines will be close to us. Why did the Town of Barre Board not bring this problem up for a vote to the residents ???????</p> <p>WHY ????? In the early stages we could have voted on laws so we would not be where we are today. I know of a person who has 3 leases. And does not even live around here. Money, Money, Money. These things will be around 58 stories high. The pictures of wind turbines show vast open areas not populated with houses. The person who holds the title Governor of New York wants this to happen and he GETS what he WANTS so I believe we are d o o m e d..... Robert G. Barnard</p> <p>U.S. Post Office, Albion, NY. 30 years.....</p>	<p>Comment in Opposition Not Relevant to Content of Draft Permit</p>	<p>Comment noted. This is not relevant to the content of draft permit, so no further response will be provided.</p>	<p>See responses to the previous Comment 113.</p>
115	115	5/19/2021 10:07	DMM # 21-00026 Public Comments Tab		109A	<p>DMM Date Filed: 06/04/2021 DMM Document Title: Heritage Public Comment Response Matrix - Written Comments and Responses DMM Item No.: 42</p>	<p>Both the Executive Law Section 94-c and the recently amended Town of Barre wind law have been heavily influenced by agents for the wind industry, with standards and requirements lowered to meet this project,s performance criteria. The Town Board raised turbine total height from 500 ft. to 700 ft. and made many other changes to accommodate the applicant,s proposed project. One small concession made to its residents was the limit on noise at night, when residents used to the remarkable quiet of this rural area are trying to sleep. That night standard is 40 dBA Leq, which is actually higher than many wind ordinances designed to protect residents. Heritage Wind filed a Statement of Issues on May 18, 2021, wherein it referenced a Siting Board precedent that held that any local law which, if imposed, would effectively prohibit construction of the Facility is "unreasonably burdensome per se". Heritage Wind claims that imposition of the Barre Wind Law Amendments, 40 dBA Leq night standard could effectively prohibit construction of the Heritage Wind Facility. On that basis, the standard is unreasonably burdensome per se. It therefore seeks a waiver from this standard.</p> <p>What is unreasonable here, however, is not the standard but the design and layout of the project. If the turbines were smaller, or were placed farther from homes, the project might meet that standard and residents could be less affected. Heritage Wind/Apex is trying to shoehorn too large a project into too small a space, in an area too heavily populated, with buildable area reduced by wetlands and landowners unwilling to sign leases.</p> <p>Furthermore, the poor wind resource in the town forces Heritage Wind to use turbines taller than any yet used in such a populated area. Obviously, this is the wrong project for this area. Hopefully, ORES can see the weaknesses in this proposed project, and reject it as designed.</p>	<p>Comment regarding local law waivers</p>	<p>A 40 dBA Leq night standard is unreasonable and unsupported by the science, as explained in the referenced sound memorandum. This comment largely takes issue with the Section 94-c process and ORES's ability to waive local laws. To the extent that the comment takes issue with ORES's specific decision to waive local laws in this case, the Record supports the waivers. Exhibit 31 of the Application outlines the unreasonably burdensome nature of the provisions for which a waiver was sought. The Town of Barre has since amended its local laws to remove many provisions for which a waiver was needed, and to clarify other provisions. The Draft Permit does not reflect these local law changes adopted in early 2021. Lastly, in terms of process, the Section 94-c process provides the Town with the opportunity to assess compliance with local laws through a Municipal Statement of Compliance and to raise any substantive and significant issues related to, for example, local law compliance or waivers, in their Statement of Issues. The Town of Barre submitted a Statement of Issues and Municipal Statement of Compliance on May 18, 2021.</p>	<p>Please see prior Comments 113 and 50B on the ORES review process (including opportunities for public participation), and permittee's determinations regarding the sufficiency of its proposed design. The proposed wind turbines comply with setback and height requirements in the Barre Town Code. With respect to permittee's request to modify the Town noise standards, EL § 94-c(5)(e) provides that a final siting permit may only be issued if the Office makes a finding that the proposed facility, together with any USCs and site specific conditions, would comply with applicable laws and regulations. EL § 94-c(5)(e) further provides that in making this determination, the Office may elect not to apply, in whole or in part, any local law or ordinance which would otherwise be applicable if it makes a finding that, as applied to the proposed facility, it is unreasonably burdensome in view of the CLCPA targets and the environmental benefits of the proposed major renewable energy facility (see also 19 NYCRR § 900-2.25(c)). The Office's findings and determinations are detailed in the Draft Permit (DMM Item No. 25) and the Office's <i>Response to Petitions for Party Status, Statement of Issues by the Applicant, and Statement of Compliance with Local Laws and Regulations (Substantive and Significant Brief)</i> (DMM Item No. 43). The decision on a final permit is pending at this time.</p>
116	116	5/19/2021 10:59	DMM # 21-00026 Public Comments Tab		---	---	<p>The proposed Heritage Wind project is extremely poorly sited due to its proximity to the Iroquois National Wildlife Refuge. The Wildlife Refuge is home to a number of eagles and thousands of migrating birds every spring and fall. "Planting" enormous wind turbines in Barre becomes a huge threat to these birds. This 'refuge' turns into a potential death trap due to the proximity of turbines. Mitigation by turning off the turbines during migration season is not a solution. It just renders these low efficiency giant machines even more useless. I am strongly opposed to this project.</p>	---	---	<p>Please see response to Comment 17 above.</p>
117	117	5/19/2021 14:15	DMM # 21-00026 Public Comments Tab		110A	<p>DMM Date Filed: 06/04/2021 DMM Document Title: Heritage Public Comment Response Matrix - Written Comments and Responses DMM Item No.: 42</p>	<p>I believe that several effects of the proposed Heritage Wind Project need to be addressed before further steps are taken. For example, the magnitude of an individual windmill, up to 700' in size is enough to substantially change the geography of Barre, NY. As precedent, the windmills in Wyoming County can be seen well into Orleans County. This is no small distance. A structure of this size, especially when in motion, can be to the detriment of the local wildlife. With the Iroquois Wildlife Refuge nearby; birds, bats, and the like can be injured or killed by the moving blades. Nonetheless, their impact is not to be felt by only animals. The noise produced by windmills is enough to causes hearing damage. They do not even meet the recommendations outlined by the World Health Organization for residential safety. This is by no means an exhaustive list, but it should, at the very least, be enough to halt the progress of the proposed plan until further discussion is had.</p>	<p>Comments regarding tip height concerns</p>	<p>Per the draft permit, the maximum tip height is 675 feet. This tip height was addressed in the Visual Impact Assessment (Appendix 24-A) in the Article 10 Application. With respect to wildlife concerns, please see Attachment "Technical Memorandum for Heritage Wind's Response to Proposed Issues and Public Comments on Avian Issues". Noise concerns are addressed in Exhibit 19 and associated appendices in the Article 10 Application.</p>	<p>Please see responses to Comments 4, 5, 10 and 17 above. Turbine height complies with § 350-103(6) of the Barre Town Code.</p>

120	120	5/19/2021 17:20	DMM # 21-00026 Public Comments Tab		113A	<p>DMM Date Filed: 06/04/2021 DMM Document Title: Heritage Public Comment Response Matrix - Written Comments and Responses DMM Item No.: 42</p>	<p>I am wondering why the calendar for this case number is empty, when there is a public hearing tomorrow evening. The calendar feature of the DPS site, should be utilized, with deadlines, and events so that residents, community members, and those who are party to the case are able to easily access the deadlines and dates specific to this project. In addition, I would like to bring up the challenges associated with participation in a virtual public hearing for the Barre community. About 50% of the community does not have access to broadband internet. I recognize that comments can be submitted in writing or over the phone for tomorrow's public hearing; however, without internet access many members of our community are unable to keep abreast of what is going on with this or other proposed projects. Along with that concern, I wanted to share my own personal challenges with making comments, and trying to stay informed on this platform. On April 15, I spent over 45 minutes just trying to get to the comment page, and post a comment. It took several minutes to load each page, before I could click for the next page to load. I believe that this was probably a combination of the poor service/ internet that I am able to obtain from my phone, and the size and speed of the DPS site. That evening I was unable to download or review any of the documents that had been posted. This has forced me to have to go to a location with internet access to be able to review the application, and information that has been filed. The electronic nature of these proceedings does not provide for an opportunity for all members of our community to participate in this process in a meaningful manner.</p>	<p>Comment in Opposition Not Relevant to Content of Draft Permit</p>	<p>Comment noted. This is not relevant to the content of draft permit, so no further response will be provided.</p>	<p>Comment noted.</p>
121	121	5/19/2021 21:58	DMM # 21-00026 Public Comments Tab		114A	<p>DMM Date Filed: 06/04/2021 DMM Document Title: Heritage Public Comment Response Matrix - Written Comments and Responses DMM Item No.: 42</p>	<p>In regard to the placing of wind turbines in the Town of Barre, I want to express my concerns of the long term effect of them on our community and how this could possibly change the property values of the homes surrounded by them. At the present time, properties in our area and sales of home are soaring. However, the turbines are not set up yet, so the true impact they are going to have on people wanting to purchase homes and move into our town could truly suffer when they become present. People who enjoy true country living along with scenic views of the fields will be in for a rude awakening when our town, in my opinion, is being used as a testing ground for some of the highest turbines in our state. People who want quiet will not buy homes by the turbines. People who worry about the health effects of them will not by homes by the turbines, not when there are other areas in our state where they can buy without having to worry in the back of their minds how the turbines are going to effect them on not only a personal health level, but also have to question if buying in this area is a good financial investment. I personally know of several families who want to move from this area because they will be surrounded by them. Some of them worry due to health concerns of their family members, such as children with autism and how the effects of the noise, vibration, and constant motion will effect them, soldiers who suffer form PTSD, and just in general how the flicker and noise level will effect all of us. I do not feel that it is right that people who have invested their life savings in their homes, have to worry if it was done so in vain. While several people who have leases with Heritage Wind will make thousands of dollars on these transactions, what happens to the rest of us who have to suffer the consequences of them and who may end up with properties we can't sell. We live in a right to farm community, which attracts companies such as Heritage Wind, but that shouldn't be a free pass to to ruin the livelihood of residents who deserve to have the values of their properties protected. In the long run, what will be the end result once they are up? I am not sure that is a gamble our town should take with people's well being. How are we to be protected when no really knows how having 680' turbines (some of the largest ever) will impact all of us. I vote "no"!</p>	<p>Comment in Opposition Not Relevant to Content of Draft Permit</p>	<p>This is not relevant to the content of draft permit. Comment noted. Noise concerns are addressed in Exhibit 19 and associated appendices in the Article 10 Application. Public Health and Safety is addressed in Exhibit 15 of the Article 10 Application. A shadow flicker report is included as Appendix 15-A of the Article 10 Application.</p>	<p>Please see responses to Comments 4, 5, 10, 17 and 82 above. Turbine height complies with § 350-103(b) of the Barre Town Code. As noted in Comment 35, the Draft Permit addresses requirements for decommissioning and site restoration in subpart 5-VI and the site specific conditions at 6(h), and requires the permittee to implement the approved Decommissioning and Site Restoration Plan in compliance with 19 NYCRR §900-2.24.</p>
123A	123	5/20/2021 10:00	DMM # 21-00026 Public Comments Tab		115A	<p>DMM Date Filed: 06/04/2021 DMM Document Title: Heritage Public Comment Response Matrix - Written Comments and Responses DMM Item No.: 42</p>	<p>Heritage Wind requested that ORES not apply Barre's local town laws regarding noise, guy wires, shadow flicker, height restrictions, deforestation, construction time limits, ground cover of turbine foundations, and decommissioning. ORES summarily granted each of Heritage Wind's requests and elected to not apply several local town laws. If ORES insists on setting aside validly enacted local laws, ORES must conduct sufficient analysis and provide support to its conclusion that local laws are unreasonably burdensome in view of the Climate Leadership and Community Protection Act. As an example, ORES provides no basis as to why Barre's local law that limits shadow flicker to 25 hours per year is unduly burdensome. Afterall, Heritage Wind will have to comply with the requirement in 19 NYCRR §900-2.9(d)(6) that limits shadow flicker to 30 hours. Where between 25 hours and 30 hours does it become unduly burdensome? Perhaps even more egregious, is the lack of explanation regarding how Barre's local law limiting construction hours to 8:00 pm is unduly burdensome. How late into the night does Heritage Wind plan to work? Finally, prior to ORES setting aside any local law, a hearing must be held to provide the municipality with an opportunity to demonstrate their local laws are not unduly burdensome.</p>	<p>Comments regarding local law waivers</p>	<p>This comment largely takes issue with the Section 94-c process and ORES's ability to waive local laws. To the extent that the comment takes issue with ORES's specific decision to waive local laws in this case, the Record supports the waivers. Exhibit 31 of the Application outlines the unreasonably burdensome nature of the provisions for which a waiver was sought. In the case of the 25 hours/year shadow flicker limit, Exhibit 31 contains specific information about the renewable energy losses which would be incurred by the Facility in order to meet that standard, as well as the lack of scientific foundation for imposing a lower standard than that adopted by the State in other wind projects. As to the construction hour waiver, the request was not to remove the construction timeframes set forth in the local law entirely, but rather to allow flexibility to go beyond those hours in certain limited circumstances. The Town of Barre has since amended its local law to allow for that flexibility, making the requested waiver moot. Lastly, in terms of process, the Section 94-c process provides the Town with the opportunity to assess compliance with local laws through a Municipal Statement of Compliance and to raise any substantive and significant issues related to, for example, local law compliance or waivers, in their Statement of Issues. The Town of Barre submitted a Statement of Issues and Municipal Statement of Compliance on May 18, 2021.</p>	<p>EL § 94-c(5)(e) provides that a final siting permit may only be issued if the Office makes a finding that the proposed facility, together with any USCs and site specific conditions, would comply with applicable laws and regulations. EL § 94-c(5)(e) further provides that in making this determination, the Office may elect not to apply, in whole or in part, any local law or ordinance which would otherwise be applicable if it makes a finding that, as applied to the proposed facility, it is unreasonably burdensome in view of the CLCPA targets and the environmental benefits of the proposed major renewable energy facility (see also 19 NYCRR § 900-2.25(c)). Local agencies are provided with notice of the Office's findings and the opportunity to file a Statement of Compliance with Local Laws and Regulations (19 NYCRR § 900-8.2(d)); local agencies are also provided with funding of up to 75% of the Local Agency Account to offset the costs of this review (19 NYCRR § 900-5.1(g)(2)).</p> <p>The Office's findings and determinations in this case are detailed in the Draft Permit (DMM Item No. 25), and the Town and County's <i>Statement of Compliance with Local Laws and Regulations</i> is a matter of record (DMM Item No. 32). The Office's <i>Response to Petitions for Party Status, Statement of Issues by the Applicant, and Statement of Compliance with Local Laws and Regulations (Substantive and Significant Brief)</i> (DMM Item No. 43), and the ALJs' <i>Ruling on Issues and Party Status</i> (DMM Item No. 47), are also a matter of record. A final decision on this matter is pending at this time.</p>
123B	123	5/20/2021 10:00	DMM # 21-00026 Public Comments Tab		115B	<p>DMM Date Filed: 06/04/2021 DMM Document Title: Heritage Public Comment Response Matrix - Written Comments and Responses DMM Item No.: 42</p>	<p>The Town of Yates is concerned that nighttime turbine lighting will introduce new unwanted light pollution to the area. Specifically, the Town of Yates is a lakeshore community with a lower elevation than the Heritage Wind site, yet Heritage Wind neglected to consider the unwanted visual impacts this project will bring to the Town of Yates. As a result, the Town of Yates requests that ORES require Heritage Wind to perform a visual impact assessment for the entire Town of Yates prior to issuing any permit. The Town of Yates further requests that Heritage Wind utilize the fewest number of lights on the turbines as possible. The FAA Advisory Circular states, "In most cases, not all wind turbine units within a wind turbine farm need to be lighted." See Appendix 25-c attached to Heritage Wind's Petition (Sr No. 222). The Town of Yates also requests that nighttime lights be radar controlled and remain off when no aircraft are in the area.</p>	<p>Comments regarding visual impacts</p>	<p>The Visual Impact Assessment (Appendix 24-A of the Article 10 Application) addresses nighttime turbine lighting impacts. The VIA used a 10-mile radius visual study area (VSA) in accordance with the requirements of Article 10. The Section 94-c regulations require consideration of a 5-mile radius. Thus, the VSA used in the Heritage Wind VIA substantially exceeds the requirements of the 94-c regulations. With regards to radar controlled lighting, the Applicant will employ this methodology if the FAA approves.</p>	<p>Please see responses to Comments 4, 5 and 10 above. The Office's regulations and site specific conditions imposed on the facility include requirements for the evaluation of Aircraft Detection Lighting System(s) (ADLS) and dimmable lighting options with the FAA/Department of Defense (DOD) in compliance with 19 NYCRR § 900-2.9(d)(9)iii(c), to avoid, minimize or mitigate potential nighttime impacts of the wind facility.</p>
123C	123	5/20/2021 10:00	DMM # 21-00026 Public Comments Tab		115C	<p>DMM Date Filed: 06/04/2021 DMM Document Title: Heritage Public Comment Response Matrix - Written Comments and Responses DMM Item No.: 42</p>	<p>Heritage Wind is dangerously close to important wildlife management areas, areas that are natural resources to not only the residents of Barre but all New Yorkers, and areas that have been designated as Important Bird Areas (IBAs). Both the Iroquois Wildlife Refuge and Oak Orchard Wildlife Refuge are IBAs that support species documented to be at special risk from wind power projects, including short-eared owls and nesting bald eagles. These IBAs also serve as important staging areas for migrating waterfowl and migrating songbirds, as well as serving as important nesting areas. Perhaps of greatest concern is that the area proposed for the Heritage Wind project is located in, or is in close proximity to, a critical migration corridor for golden eagles, as well as for other migrating raptors: the south shore of Lake Ontario is a well-documented flyway for the small and vulnerable eastern population of golden eagles. This migration path for golden eagles is not restricted to the lakeshore itself but extends a number of miles inland, and, given certain weather and wind conditions, may include the area proposed for the Heritage Wind project. Songbirds are also at great risk. These birds fly in migration at night and descend in the morning to "stopover" before rising in the evening to fly again. The wilderness areas and farmland are a draw for these migrating birds as they head north to Lake Ontario and then either across or around Lake Ontario. This means that the birds are not just flying at great heights across the proposed turbine areas but will be descending and ascending, putting them at grave risk from the wind turbine blades. The Heritage Wind project is raising serious concerns among local birders, birding groups and the American Bird Conservancy about the impacts on the migration of a great diversity of birds. There are no studies about the impacts in this high migratory area of these new taller onshore turbines with blades nearly the length of a football field</p>	<p>Comments regarding wildlife</p>	<p>As described in the Avian Risk Assessment submitted as Appendix 22-F to the Article 10 Application, the Iroquois National Wildlife Refuge (INWR) is located more than 2 miles to the southwest of the closest turbine and the remaining turbines are located more than 3 miles from the INWR boundary and the Oak orchard Wildlife Management Area (OOWMA) is located more than 1 mile southwest of the closest turbine and more than 2 miles from the next closest turbine. Please see Attachment "Technical Memorandum for Heritage Wind's Response to Proposed Issues and Public Comments on Avian Issues" for more information on migratory birds</p>	<p>As noted in Comment 17 above, based upon the Office's thorough review of the application materials in consultation with NYSDEC, the Draft Permit (DMM Item No. 25) includes Uniform Standards and Conditions (USCs) (subpart 5), site specific conditions (subpart 6), and mandatory compliance filings (subpart 7) to avoid, minimize or mitigate potential significant adverse environmental impacts to the maximum extent practicable. See EL § 94-c(3)(d) and 19 NYCRR subparts 6 and 10. The permittee is also required to implement any impact avoidance, minimization or mitigation measures identified in the application exhibits, compliance filings or plans required under the Draft Permit or 19 NYCRR part 900. See Draft Permit, subpart 5-I(a). Potential impacts to wildlife (including avian and bat species) were an issue in the recent adjudicatory hearing, and are currently before the Executive Director for final decision.</p>

124	124	5/20/2021 17:52	DMM # 21-00026 Public Comments Tab		116A to 116F	<p>DMM Date Filed: 06/04/2021 DMM Document Title: Heritage Public Comment Response Matrix - Written Comments and Responses DMM Item No.: 42</p> <p>I am a lifelong resident of Barre NY and opposed to siting of industrial turbines within the rural agricultural town of Barre. □ As a member of the United States Marine Corps, I traveled in countries that had operating turbines. These turbines affected communications when we set up in close proximity of them. I also noted many dead birds killed by the turbine blades. □ I feel that more studies are needed in reference to Health, to my knowledge there are no industrial turbine sites with a population density similar to Barre. Therefore current studies are not suited as a standard for the siting process. □ Environmental impact studies on birds, bats, and reptiles for turbines of this size have not been fully researched. There also is the question of placing industrial turbines on known migratory routes of birds. □ Socioeconomic impacts and Visual blight for turbines of this size and type not currently in use on land in the United States also need further review. □ I am also concerned with the setbacks. Current laws and Article 94c standards do not fully protect the citizens of Barre or the sensitive wetlands and natural communities within the town. Many of the laws pertain to occupied structures and not property lines. This creates trespass zoning where future structures may not be allowed to be built or where they may be adversely affected by the close proximity of turbines. The setbacks to wetlands and natural communities of 100 feet do not allow for the full range of the turbine tower or blades thus endangering the environmental impact. These studies ae needed to ensure the full protection of all. □ Further research is also needed to ensure the power grid can handle the load of electricity from this proposed industrial facility without limiting the power output of the hydro-electric facilities currently operating below maximum capacity in the region. □ I respectfully ask you delay this project until all of these concerns can be addressed.</p>	Comment in Opposition Not Relevant to Content of Draft Permit	<p>This is not relevant to the content of draft permit. Comment noted. Effects on Communications are addressed in Exhibit 26 of the Article 10 Application.</p> <p>"This is not relevant to the content of draft permit. Comment noted. Public Health and Safety is addressed in Exhibit 15 of the Article 10 Application."</p> <p>This is not relevant to the content of draft permit. Comment noted. Several wildlife studies have been conducted and can be found in Exhibit 22 and related appendices in the Article 10 Application. With respect to migratory routes, please see Attachment "Technical Memorandum for Heritage Wind's Response to Proposed Issues and Public Comments on Avian Issues" for more information on migratory birds."</p> <p>This is not relevant to the content of draft permit. Comment noted. A Visual Impact Assessment is included as Appendix 24-A in the Article 10 Application. Socioeconomic effects are discussed in Exhibit 27 of the Article 10 Application. The setback distances set forth in the draft permit are in line with other approved and/or safely operating wind power projects in NY state. Comment noted. This is not relevant to the content of draft permit, so no further response will be provided.</p>	Please see responses to Comments 4, 5, 10, 17 and 57 above. The facility complies with the height and setback requirements in the Barre Town Code. As noted in Comment 110, permittee addressed issues related to effects on communications in Exhibit 26 of the permit application, and must independently comply with all applicable federal requirements (e.g. FCC, FAA).
124A	124	5/20/2021 17:52	DMM # 21-00026 Public Comments Tab		116A	<p>DMM Date Filed: 06/04/2021 DMM Document Title: Heritage Public Comment Response Matrix - Written Comments and Responses</p> <p>I traveled in countries that had operating turbines. These turbines affected communications when we set up in close proximity of them.</p>	Comment in Opposition Not Relevant to Content of Draft Permit	<p>This is not relevant to the content of draft permit. Comment noted. Effects on Communications are addressed in Exhibit 26 of the Article 10 Application.</p>	Comment noted. The Applicant addressed issues related to effects on communications in Exhibit 26 of the permit application.
124B	124	5/20/2021 17:52	DMM # 21-00026 Public Comments Tab		116B	<p>DMM Date Filed: 06/04/2021 DMM Document Title: Heritage Public Comment Response Matrix - Written Comments and Responses</p> <p>I feel that more studies are needed in reference to Health, to my knowledge there are no industrial turbine sites with a population density similar to Barre. Therefore current studies are not suited as a standard for the siting proces</p>	Comment in Opposition Not Relevant to Content of Draft Permit	<p>This is not relevant to the content of draft permit. Comment noted. Public Health and Safety is addressed in Exhibit 15 of the Article 10 Application.</p>	Comment noted. Public health and shadow flicker concerns are addressed in DMM Comment No. 4.
124C	124	5/20/2021 17:52	DMM # 21-00026 Public Comments Tab		116C	<p>DMM Date Filed: 06/04/2021 DMM Document Title: Heritage Public Comment Response Matrix - Written Comments and Responses DMM Item No.: 42</p> <p>Environmental impact studies on birds, bats, and reptiles for turbines of this size have not been fully researched. There also is the question of placing industrial turbines on known migratory routes of birds</p>	Comment regarding wildlife	<p>This is not relevant to the content of draft permit. Comment noted. Several wildlife studies have been conducted and can be found in Exhibit 22 and related appendices in the Article 10 Application. With respect to migratory routes, please see Attachment "Technical Memorandum for Heritage Wind's Response to Proposed Issues and Public Comments on Avian Issues" for more information on migratory birds."</p>	Wildlife concerns are addressed in DMM Comment No. 17.
124D	124	5/20/2021 17:52	DMM # 21-00026 Public Comments Tab		116D	<p>DMM Date Filed: 06/04/2021 DMM Document Title: Heritage Public Comment Response Matrix - Written Comments and Responses</p> <p>Socioeconomic impacts and Visual blight for turbines of this size and type not currently in use on land in the United States also need further review.</p>	Comment in Opposition Not Relevant to Content of Draft Permit	<p>This is not relevant to the content of draft permit. Comment noted. A Visual Impact Assessment is included as Appendix 24-A in the Article 10 Application. Socioeconomic effects are discussed in Exhibit 27 of the Article 10 Application.</p>	Please see responses to Comments 4, 5 and 10 above. Turbine height and setbacks comply with requirements in the Barre Town Code.
124E	124	5/20/2021 17:52	DMM # 21-00026 Public Comments Tab		116E	<p>DMM Date Filed: 06/04/2021 DMM Document Title: Heritage Public Comment Response Matrix - Written Comments and Responses</p> <p>I am also concerned with the setbacks. Current laws and Article 94c standards do not fully protect the citizens of Barre or the sensitive wetlands and natural communities within the town. Many of the laws pertain to occupied structures and not property lines. This creates trespass zoning where future structures may not be allowed to be built or where they may be adversely affected by the close proximity of turbines. The setbacks to wetlands and natural communities of 100 feet do not allow for the full range of the turbine tower or blades thus endangering the environmental impact. These studies ae needed to ensure the full protection of all.</p>	Comments regarding setback concerns	<p>The setback distances set forth in the draft permit are in line with other approved and/or safely operating wind power projects in NY state.</p>	Please see response to Comment 57 above regarding wetlands; setbacks proposed by permittee comply with requirements in the Barre Town Code.
124F	124	5/20/2021 17:52	DMM # 21-00026 Public Comments Tab		116F	<p>DMM Date Filed: 06/04/2021 DMM Document Title: Heritage Public Comment Response Matrix - Written Comments and Responses</p> <p>Further research is also needed to ensure the power grid can handle the load of electricity from this proposed industrial facility without limiting the power output of the hydro-electric facilities currently operating below maximum capacity in the region. I respectfully ask you delay this project until all of these concerns can be addressed.</p>	Comment in Opposition Not Relevant to Content of Draft Permit	<p>Comment noted. This is not relevant to the content of draft permit, so no further response will be provided.</p>	Please see response to Comment 35 above.
125	125	5/20/2021 19:54	DMM # 21-00026 Public Comments Tab		117A	<p>DMM Date Filed: 06/04/2021 DMM Document Title: Heritage Public Comment Response Matrix - Written Comments and Responses</p> <p>Not all farmers are in support of this project in our community. Why are we letting people who do not live in this town, who do not pay taxes, make decisions about OUR town?</p>	Comment in Opposition Not Relevant to Content of Draft Permit	<p>Comment noted. This is not relevant to the content of draft permit, so no further response will be provided.</p>	Comment noted.
126	126	5/20/2021 20:13	DMM # 21-00026 Public Comments Tab		118A	<p>DMM Date Filed: 06/04/2021 DMM Document Title: Heritage Public Comment Response Matrix - Written Comments and Responses</p> <p>I am opposed to this project as it will harm the community. Not good for the wild life either.</p>	Comment in Opposition Not Relevant to Content of Draft Permit	<p>Comment noted. This is not relevant to the content of draft permit, so no further response will be provided.</p>	Please see response to Comment 17 above.

127	127	5/20/2021 23:55	DMM # 21-00026 Public Comments Tab		119A	<p>DMM Date Filed: 06/04/2021 DMM Document Title: Heritage Public Comment Response Matrix - Written Comments and Responses DMM Item No.: 42</p> <p>After reading the many comments, it occurs to me that what we have here is an experiment. We have a new approval process; we have a project using larger machines than have ever been used in a densely populated rural part of the United States; and the wind resource is far from ideal. All the experts, on both sides, are of necessity basing their opinions on extrapolations of past experience with different conditions. So we don't really know whether people's health or property values will suffer, or whether the project will actually produce the amount of electricity promised.</p> <p>If the state is going to use the people of Barre as subjects in this experiment, it should also provide some measure of protection for them in case the promises and assurances made to them by the state and the developer turn out to be false. A fund should be established to pay claims from those injured by the project during its construction and after it is operational. The corporations benefiting from the project should finance this fund. Baseline property appraisals and health assessments should be conducted at project approval, and changes monitored throughout the process. The amount of electrical energy both generated and consumed by the project should be monitored and made public regularly, to see if the project lives up to its claims that justified its public support.</p> <p>This is really the only way to be fair to the people whose lives will be disrupted by this project. Complaint resolution procedures have often proved to be inadequate, leaving people to spend their life savings on lawsuits where they are often outmatched by corporations with far greater resources.</p> <p>At the same time, knowing that there may be real repercussions for building a project that is causing demonstrated harm, all wind developers working in New York State will be encouraged to be on their best behavior. Why do we care about this? Well, if the state is to meet the ambitious goals it has set for renewable energy production, it will eventually have to construct similar wind developments throughout the state, even around Cooperstown, or in the Hudson Valley, or out on Long Island. If the Barre experiment fails, public pressure against future projects may spell the death of onland wind development in the State of New York.</p> <p>I urge the panel to take this into consideration when making its decision in this case.</p>	Comment in Opposition Not Relevant to Content of Draft Permit	Comment noted. This is not relevant to the content of draft permit, so no further response will be provided.	Please see responses to Comment 4 and Comment 5 above.
128	128	5/21/2021 7:32	DMM # 21-00026 Public Comments Tab		120A	<p>DMM Date Filed: 06/04/2021 DMM Document Title: Heritage Public Comment Response Matrix - Written Comments and Responses DMM Item No.: 42</p> <p>Dear Sir or Madam,</p> <p>I respectfully request that a study be conducted on what the ramifications and the outcomes will be on the residents of this town and our surrounding communities if 33 commercial structures, reaching heights of at least 680', with spinning blades at tip speeds of over 200 miles per hour, with incredibly bright flashing lights throughout the night which would terrorize residents as they try to sleep, along with shadow flicker throughout the day, not only on the ground, but inside our homes. I am not only requesting, as a tax paying resident of this town, but as a tax paying resident of the State of New York, as well as a United States Citizen, for a thorough study to be conducted on the ramifications to the health of NOT just those that are deemed as otherwise, normal and healthy individuals. I am strongly requesting a thorough study be conducted on the severe consequences that wind turbines of this magnitude could have on our FEDERALLY PROTECTED CLASS OF DISABLED CITIZENS. It is a strong request that you give clear studies which show that 33, 680' wind turbines in a small rural area have NEVER impacted a person, NOT ONE, with PTSD, with EPILEPSY, with AUTISM, or HEART CONDITIONS, etc.. We have citizens with these special health concerns in this town and community and they have a Right to be protected. It would seem boldly unjust and unconstitutional under our Civil Rights Act to force the federally protected class of citizens to vacate their homes and force them to flee this town in order to protect their own health. Many people in the Town of Barre are here for the quiet, wide open spaces that only a rural, farming community affords. Flashing lights, spinning blades, unfathomable structures, shadow flicker are NOT conducive to our natural surroundings which help those with these types of disabilities. The proposed Heritage Wind Project would place 33 of the tallest commercial wind turbines in the United States in a small, rural community where many people have come to call it home a place of refuge from many health ailments. Farmers have said, "We need this money, we are struggling." Yet, those same farmers are driving in surrounding fields, right now as we speak, in brand new tractors and pick-up trucks. Some of those same farmers are multi-billion dollar operations. Am I incorrect that court decisions are not based on money, but that they are based on Rights, Liberties, and Justice? The decisions to construct this project should not be based on who is going to get money and how much money there are too many other risks at stake. Who will speak up for the disabled? Who will speak up for the disabled that have dealt with physical issues their entire life and will find themselves unjustly displaced? Who will protect them from being forced to leave their homes and this town? Let it be studied and found, without a shadow of a doubt, that NOT ONE disabled person would be affected, in any manner, by these structures. Perhaps a better location for such a project would be better suited in the very backyards of those from the Sierra Club in New York City. I adamantly oppose this project.</p> <p>Respectfully Submitted, Cindy Burnside Town of Barre</p>	Comment in Opposition Not Relevant to Content of Draft Permit	This is not relevant to the content of draft permit. Comment noted. Noise concerns are addressed in Exhibit 19 and associated appendices in the Article 10 Application. Public Health and Safety is addressed in Exhibit 15 of the Article 10 Application. A shadow flicker report is included as Appendix 15-A of the Article 10 Application.	As noted in Comment 4, the Office's primary concern is the health and safety of all New Yorkers. Please see the responses to Comments 4, 5 and 10 above for a discussion of visual impacts, including shadow flicker and nighttime lighting. Turbine height complies with requirements in § 350-103(6) of the Barre Town Code.
129	129	5/21/2021 7:34	DMM # 21-00026 Public Comments Tab		121A	<p>DMM Date Filed: 06/04/2021 DMM Document Title: Heritage Public Comment Response Matrix - Written Comments and Responses DMM Item No.: 42</p> <p>It is clear after the public hearing that there is more opposition to the industrial wind project in the town of Barre than there is support for it. It is also clear that more studies are needed to address the fact that turbines of this size have not been studied for health problems, environmental impacts, or quality of life in a densely populated area. There are studies out that show there is many problems with the smaller turbines there is no telling what the magnitude of problems will be with the much bigger turbines. While renewable green energy is needed, we need to fully utilize the current sources we have in hydroelectric which is not being fully utilized. Niagara Falls, Watport and Holley all have hydroelectric that does not run at capacity. The current grid can't support more load, so what is the trade off? Do we go with experimental turbines in a low wind area or proven hydroelectric? I ask that this project be delayed to address these problems.</p>	Comment in Opposition Not Relevant to Content of Draft Permit	Comment noted. This is not relevant to the content of draft permit, so no further response will be provided.	Please see responses to Comments 4, 5 and 10 above. As noted in Comment 35, while hydroelectric power generation is an option the State is separately exploring, this does not replace the need for utility-scale solar and land-based wind facilities to meet the State's nation-leading CLCPA renewable energy targets and combat climate change.
130	130	5/21/2021 9:12	DMM # 21-00026 Public Comments Tab		122A	<p>DMM Date Filed: 06/04/2021 DMM Document Title: Heritage Public Comment Response Matrix - Written Comments and Responses DMM Item No.: 42</p> <p>My husband and I have been homeowners and raised a family in Barre, N.Y. for 35 years. We came here because of the peace and quiet, the country life with open fields and wooded areas with wildlife-geese, deer, etc. Nature at its best! It is beyond my comprehension as to why anyone would want 700' wind turbines! They will ruin the countryside view, let alone their noise, the distraction, the shadows, and just the fact they are so unnatural to the environment. Also, importantly, the mental and physical effect on the residents of this small town. In Orleans County, specifically Barre area, we have eagles (!), a wildlife preserve nearby and a local airport. There is no way that the giant turbines wouldn't effect these. Please, do not allow these monstrous wind turbines to disturb the tranquility of Barre, N.Y.</p>	Comments regarding tip height concerns	Per the draft permit, the maximum tip height is 675 feet. This tip height was addressed in the Visual Impact Assessment (Appendix 24-A) in the Article 10 Application. Noise concerns are addressed in Exhibit 19 and associated appendices in the Article 10 Application. Public Health and Safety is addressed in Exhibit 15 of the Article 10 Application. A shadow flicker report is included as Appendix 15-A of the Article 10 Application.	Please see responses to Comments 4, 5, 10 and 17 above. Turbine height complies with § 350-103(6) of the Barre Town Code. As noted in Comment 35, the Draft Permit addresses requirements for decommissioning and site restoration in subpart 5-VI and the site specific conditions at 6(h), and requires the permittee to implement the approved Decommissioning and Site Restoration Plan in compliance with 19 NYCRR §900-2.24.
131	131	5/21/2021 9:46	DMM # 21-00026 Public Comments Tab		123A	<p>DMM Date Filed: 06/04/2021 DMM Document Title: Heritage Public Comment Response Matrix - Written Comments and Responses DMM Item No.: 42</p> <p>Comments in support addressing the need for the project and the project's Avoided Avian Mortality.</p>	Comment in Support Not Relevant to Content of Draft Permit	Comment noted. This is not relevant to the content of draft permit, so no further response will be provided.	Comment noted.

132	132	5/21/2021 11:53	DMM # 21-00026 Public Comments Tab		124A	<p>DMM Date Filed: 06/04/2021 DMM Document Title: Heritage Public Comment Response Matrix - Written Comments and Responses DMM Item No.: 42</p>	<p>I am a resident of Barre, NY and would like to say that I am AGAINST having huge wind turbines erected close to my home. My concerns are around the negative health impact that have been studied in other areas.</p> <p>I'm also concerned about ruining the landscape with flicker and obstructing the natural beauty of the area. We purchased our home and land two years ago and were unaware of this potential project.</p> <p>If we had know about it beforehand, we would not have bought the property that we thought would be our retirement home.</p> <p>If we want to sell our property to be away from these unwanted wind turbines, any potential buyers will not intentionally look at living so close to these oversized, unneeded towers.</p> <p>Our property value will dramatically decrease yielding a loss of our quality of life. Please do not let this project go forward!</p>	<p>Comment in Opposition Not Relevant to Content of Draft Permit</p>	<p>Comment noted. This is not relevant to the content of draft permit, so no further response will be provided.</p>	<p>Please see responses to Comments 4, 5 and 10 above.</p>
133	133	5/21/2021 13:22	DMM # 21-00026 Public Comments Tab		125A	<p>DMM Date Filed: 06/04/2021 DMM Document Title: Heritage Public Comment Response Matrix - Written Comments and Responses DMM Item No.: 42</p>	<p>Comments from the U.S. Fish and Wildlife Service regarding avian concerns.</p>	<p>Comment regarding wildlife</p>	<p>Please see Attachment "Technical Memorandum for Heritage Wind's Response to Proposed Issues and Public Comments on Avian Issues" for detailed responses to this comment.</p>	<p>The USFWS comments are noted for the record. As discussed in Comment 17 above, based upon the Office's thorough review of the application materials in consultation with NYSDRC, the Draft Permit (DMM Item No. 25) includes Uniform Standards and Conditions (USCs) (subpart 5), site specific conditions (subpart 6), and mandatory compliance filings (subpart 7) to avoid, minimize or mitigate potential significant adverse environmental impacts to the maximum extent practicable. See EL § 94-c(3)(d) and 19 NYCRR subparts 6 and 10. The permittee is also required to implement any impact avoidance, minimization or mitigation measures identified in the application exhibits, compliance filings or plans required under the Draft Permit or 19 NYCRR part 900. See Draft Permit, subpart 5-l(a). Potential impacts to wildlife (including avian and bat species) were an issue in the recent adjudicatory hearing, and are currently before the Executive Director for final decision.</p>
134	134	5/21/2021 13:36	DMM # 21-00026 Public Comments Tab		126A	<p>DMM Date Filed: 06/04/2021 DMM Document Title: Heritage Public Comment Response Matrix - Written Comments and Responses DMM Item No.: 42</p>	<p>Comments from the Rochester Birding Association regarding avian concerns</p>	<p>Comment regarding wildlife</p>	<p>Please see Attachment "Technical Memorandum for Heritage Wind's Response to Proposed Issues and Public Comments on Avian Issues" for detailed resp</p>	<p>In addition to the findings and determinations detailed in the Draft Permit (DMM Item No. 25), please see responses to Comments 2B, 4, 5, 10, 15, 35, 57 and 82 above. Additional information concerning these comments is provided in the Office's <i>Response to Petitions for Party Status, Statement of Issues by the Applicant, and Statement of Compliance with Local Laws and Regulations (Substantive and Significant Brief)</i> (DMM Item No. 43), filed in response to the <i>Petition for Party Status of Clear Skies Above Barre, Inc. (CSAB, Inc.)</i>, Exhibit 4 (DMM Item No. 33), and other filings in the record of this proceeding.</p>
135A	135	5/21/2021 14:04	DMM # 21-00026 Public Comments Tab		127A	<p>DMM Date Filed: 06/04/2021 DMM Document Title: Heritage Public Comment Response Matrix - Written Comments and Responses DMM Item No.: 42</p>	<p>The size of the industrial wind turbines in this project will result in a geographically large impact. Potentially affected geographic areas include the Iroquois Refuge and two wildlife management areas, the towns of Albion, Gaines and Shelby and the Villages of Holley, Clarendon, Oakfield, Eiba, and Alabama. There have been notices posted in a local paper but due to impacts from the pandemic including limited in person local meetings, SOS raises the issue as to how well informed the extended local communities are about the current status of the project, the speed of the new 94-c process and the limited options for comments with the comment period ending today. SOS has raised concerns about access of Orleans County residents to the websites, large documents and web based hearings. Numerous portions of the County lack adequate access to the internet. Comment periods for this project should be extended and an in person comment hearing should be scheduled.</p>	<p>Comment in Opposition Not Relevant to Content of Draft Permit</p>	<p>This is not relevant to the content of draft permit. Comment noted. The sixty days following the issuance of the draft permit are dedicated to giving the public the chance to comment on the draft permit. In addition, there has been years of public interaction regarding the Heritage Wind Project through the Article 10 Public Involvement Plan.</p>	<p>In addition to the findings and determinations detailed in the Draft Permit (DMM Item No. 25), please see responses to Comments 2B, 4, 5, 10, 15, 35, 57 and 82 above. Additional information on these comments is provided in the Office's <i>Response to Petitions for Party Status, Statement of Issues by the Applicant, and Statement of Compliance with Local Laws and Regulations (Substantive and Significant Brief)</i> (DMM Item No. 43), filed in response to the <i>Petition for Party Status of Save Ontario Shores, Inc. (SOS, Inc.)</i>, Exhibit 4 (DMM Item No. 36), and other filings in the record of this proceeding.</p>
135B	135	5/21/2021 14:04	DMM # 21-00026 Public Comments Tab		127B	<p>DMM Date Filed: 06/04/2021 DMM Document Title: Heritage Public Comment Response Matrix - Written Comments and Responses DMM Item No.: 42</p>	<p>All the roads in the area are two lanes. This project will have an effect on anyone traveling or using farm equipment. Heritage Wind's Route Evaluation Study, dated January 2020, includes Table 3, Construction Vehicle Volumes. Total volume in cubic yards of gravel is 46,068. Total number of gravel trucks is 4607. The gravel is for access roads to the turbines within the project site. Total volume of concrete mix in cubic yards is 42,240, with the number of trucks given as 4224. This is a huge disruption for any locale where the trucks will travel. The documents, however, refer specifically to the study area (Exhibit 25-1). The route is not given in the later amendment but is described as below Interstate 90 in the earlier document. The version updated in June 2020 (Exhibit 25-A) by Fisher Associates says moving turbine components requires specialized OS/OW haulers that require special consideration during project planning. Final routes to the Study Area will depend on the turbine transporter and the source of the shipments.</p> <p>The transportation section of the Heritage Wind document 25-1 includes information about the distance of the proposed wind turbines to the Medina Hospital helipad. All the turbines will be located within 15 miles of the helipad and a number will be within ten miles. SOS believes that the issue of possible impact to Mercy Flight travel should be studied and evidence presented at a fact hearing. This includes the extent that the project will limit emergency transport in the area and whether the project will impact flight from the Medina Hospital to other medical facilities, particularly in the Rochester area.</p>	<p>Comment in Opposition Not Relevant to Content of Draft Permit</p>	<p>Effects on Transportation are addressed in Exhibit 25 of the Article 10 Application. The Applicant has contacted Mercy Flight multiple times throughout development, as recently as June 2, 2021 and we are not concerned with any potential impacts to their operations.</p>	<p>Please see response to Comment 135A above.</p>
135C	135	5/21/2021 14:04	DMM # 21-00026 Public Comments Tab		127C	<p>DMM Date Filed: 06/04/2021 DMM Document Title: Heritage Public Comment Response Matrix - Written Comments and Responses DMM Item No.: 42</p>	<p>Since the early stages of the Article 10 process the record has included substantial documents from local and national birding organizations regarding the problematic location of this project. Requests for additional studies and attention to the birds, bats and raptors have been denied by the applicant's failure to produce more robust studies, including radar studies and nighttime studies. There are a number of comments filed by birding organizations in the 94-c comment DMM. However, SOS will also post, as a supplement to the SOS comments, the earlier Article 10 documents from birding organizations.</p> <p>In the applicant's Galloo Island Wind project there were significant concerns with their management of wildlife information. SOS Heritage Wind Comment Supplement A has been submitted as a separate comment. It is a copy of a New York Times article regarding this issue. Past concerns combined with the prevalence of eagles in the project area and the designation of the area as an Important Bird Area provide reasons why the issue of wildlife impacts, mitigations and alternatives require a fact hearing. The documents filed by the applicant do not directly addresses bird habitat. The comment from the American Bird Conservancy dated May 8, 2020:</p> <p>Review of Scope of Avian Studies for Heritage Wind (filed under Comments of the Genesee Valley Audubon Society) covers the issues persuasively and argues for a number of studies to be completed, with a focus on migratory birds. This document has been submitted as a separate comment named SOS Heritage Wind Comment Supplement C</p> <p>Unlike projects that will be initiated under 94-c, the Heritage Wind project has been around for a while. The applicant has been aware of the concerns over bird, bat and raptor impacts for years. Submitted as additional comments in this case are the following documents that exemplify the ongoing and extensive requests for additional studies, and other data and in the case of DEC, a request for an alternative location:</p>	<p>Comments in opposition not relevant to the content of the draft permit</p>	<p>This is not relevant to the content of the draft permit. With respect to wildlife concerns, please see Attachment "Technical Memorandum for Heritage Wind's Response to Proposed Issues and Public Comments on Avian Issues" for more information on migratory birds." The referenced attachments are summarized in Comment # 128.</p>	<p>Please see response to Comment 135A above.</p>
135D	135	5/21/2021 14:04	DMM # 21-00026 Public Comments Tab		127D	<p>DMM Date Filed: 06/04/2021 DMM Document Title: Heritage Public Comment Response Matrix - Written Comments and Responses DMM Item No.: 42</p>	<p>The Town of Barre limits shadow flicker to 25 years per year.</p> <p>The applicant's analysis indicates that 42 nonparticipating residential receptors were predicted to receive in excess of 30 hours of shadow flicker per year, some of them substantially more than the 30 hour per year limit.</p> <p>The application does not indicate how the project will mitigate these impacts. The fact that the town has a lower shadow flicker than the ORES regulations indicates the importance of this issue to the community. This 25 year limit must be enforced.</p> <p>Alternatively, the 30 hour limit must be strictly enforced and not otherwise mitigated. The burden should be on the applicant to relocate the turbines, remove the offending ones, or shut them down as needed with substantial fines if they fail to do so, and not the non-participating resident to install blinds</p>	<p>Comments regarding shadow flicker</p>	<p>The Project will comply with the 30 hour per year shadow flicker limit for non-participating residences via various mitigation methods, which has been accepted by the State in wind projects throughout the State as an appropriate and protective standard for shadow flicker impacts on non-participating residences. Mitigation of shadow flicker impacts is discussed at Exhibit 24 and Appendix 24-A. As noted therein, the main method of avoiding and minimizing shadow flicker impacts is to adhere to the 30 hours/year standard. Beyond that, the Applicant may consult with landowners to install blinds, but it would not be a requirement.</p>	<p>Please see response to Comment 135A above.</p>

135E	135	5/21/2021 14:04	DMM # 21-00026 Public Comments Tab	127E	DMM Date Filed: 06/04/2021 DMM Document Title: Heritage Public Comment Response Matrix - Written Comments and Responses DMM Item No.: 42	There are very few 675 foot turbines on land in the United States. There are no studies of the impacts of turbines of this height in this close proximity to residences and in with location in a migratory region in close proximity to wildlife management areas and a national refuge. In the same manner that hydrofracking required extensive environmental review, so turbines of this height also must have extensive environmental review. The uniform conditions were finalized without such review and do not provide adequate protection for wildlife, habitat and residents. These industrial wind turbines are 200-300 feet taller than most that are currently located in New York State. Residents of the town of Barre and Orleans County as well as the National and State resources do not deserve to be the test run in an experiment where there are so few reasonable options in the event of a harmful outcome.	Comments regarding tip height concerns	This tip height was addressed in the Visual Impact Assessment (Appendix 24-A) in the Article 10 Application.	Please see response to Comment 135A above. Turbine height complies with § 350-103(6) of the Barre Town Code.
135F	135	5/21/2021 14:04	DMM # 21-00026 Public Comments Tab	127F	DMM Date Filed: 06/04/2021 DMM Document Title: Heritage Public Comment Response Matrix - Written Comments and Responses DMM Item No.: 42	The public did not have input into the passage of 94-c, as it was passed in a budget vote. Public interest in the 94-c process was substantial as many comments were provided by the public and citizen's groups on the 94-c regulations. ORES made no substantial changes to proposed regulations as a result of the comments. The issuing of an approval in the Heritage Wind case by ORES without a public hearing given the substantive and substantial comments that have been submitted would add to the public concerns about lack of attention to local laws and local issues.	Comments in opposition not relevant to the content of the draft permit	This comment is not relevant to the content of the draft permit. Comment noted. The draft permit is a draft and is not an approval of the Heritage Wind project. The sixty days following the issuance of the draft permit are dedicated to giving the public the chance to comment on the draft permit.	Please see Comments 2A, 2B and 7 above.
135G	135	5/21/2021 14:04	DMM # 21-00026 Public Comments Tab	127G	DMM Date Filed: 06/04/2021 DMM Document Title: Heritage Public Comment Response Matrix - Written Comments and Responses DMM Item No.: 42	Wetlands, Streams and Impacts to Surface and Groundwater: The Heritage Wind project site is laced with wetlands and streams. This is a complex system in an environmentally important area with proximity to three wildlife refuges that are expansive. Seasonal water is a concern and has not been thoroughly addressed. The issues and concerns with the hydrology aspect of the Heritage Wind project are extensive. SOS requests that the hydrology of the project area and surrounding areas be considered site specific conditions that require a fact hearing for consideration of the sufficiency of the studies and mapping, the impacts and mitigations. While it is not the purview of the Administrative Law Judges in this case to analyze the regulations we believe it is instructive to note the limitations as set forth in SOS's comments on the draft regulations, which were finalized with no substantial changes. We include the excerpts below and request that these concerns be addressed in the Heritage Wind permit conditions due to the site specific hydrology of the project and surrounding areas.	Comment regarding environmental impacts	Exhibit 22 of the Article 10 Application addresses Terrestrial Ecology and Wetlands. Cd Delineation Report is included as Appendix 22-J of the Article 10 Application. A Vernal Pool Study is included as Appendix 22-D of the Article 10 Application.	Please see response to Comment 135A above.
135H	135	5/21/2021 14:04	DMM # 21-00026 Public Comments Tab	127H	DMM Date Filed: 06/04/2021 DMM Document Title: Heritage Public Comment Response Matrix - Written Comments and Responses DMM Item No.: 42	Exhibits 22-1 and 22-3 show extensive mapping of the project area, but do not describe the intended process for showing the delineation wetlands, potential impacts and mitigation, if any	Comment regarding environmental impacts	Wetland and stream impacts are included in Appendix 22-K of the Article 10 Application	Please see response to Comment 135A above.
135I	135	5/21/2021 14:04	DMM # 21-00026 Public Comments Tab	127I	DMM Date Filed: 06/04/2021 DMM Document Title: Heritage Public Comment Response Matrix - Written Comments and Responses DMM Item No.: 42	Wetland and Water Monitoring - The success or failure of many projects hinges on its administration on the ground, in the field and access by objective regulatory staff. The fact that the Environmental Monitor will be paid by the Owner / Applicant suggests potential for conflict of interest. NYS DEC customarily has regulatory authority, expertise and experience monitoring compliance with environmental resource protection measures. Stakeholders would be objectively and fairly served by granting NYS DEC access and authority on project sites. Long-term monitoring should include groundwater and surface waters. US and NYS taxpayers are stakeholders in this project, as much by their interest in nearby Federal and State wildlife habitat as by political and financial incentives granted to the Applicant. At least once / year, affected parties and the local press should be allowed to tour the project area, observe the construction and restoration activities, discuss issues and technology transfer with the Owner and report out to their members and stakeholders.	Comment regarding environmental impacts	As described in Exhibit 22 of the Application, the Environmental Monitor will be an independent, third-party monitor. The monitor will keep a log of daily construction activities, and will issue periodic/regular (typically weekly) reporting and compliance audits. NYSDEC would be able to visit the site and perform inspections at their own discretion.	Please see response to Comment 82 above. The Draft Permit addresses the issue of Environmental and Agricultural Monitoring in subpart 5-IV(b), which requires the permittee to hire an independent, third-party environmental monitor to oversee compliance with environmental commitments and siting permit requirements, and to provide the qualifications and contact information for the monitor to NYSDPS, with a copy to ORES.
135J	135	5/21/2021 14:04	DMM # 21-00026 Public Comments Tab	127J	DMM Date Filed: 06/04/2021 DMM Document Title: Heritage Public Comment Response Matrix - Written Comments and Responses DMM Item No.: 42	Bedrock Appendix 21B (Preliminary Geotechnical Engineering Report) and Exhibit 21.3 (Bedrock) suggest that much of the site may have bedrock within the depth many if not most of the tower foundations.	Comment regarding environmental impacts	Exhibit 21 and Appendix 21-B of the Application include information on geotechnical conditions at the site. As described in Exhibit 21, based on test borings, bedrock encountered at the Facility Site is suitable for support of wind turbine foundations and other Facility components.	Please see response to Comment 135A above. Without limitation, permittee's assessment of the suitability of bedrock to support turbine foundations is addressed in Exhibit 21, sec. (q) (DMM Item No. 6). The Draft Permit addresses the requirement for a Final Geotechnical Engineering Report to verify subsurface conditions within the facility site, including the results of borings and/or test pits at each turbine location. Draft Permit, subpart 7-l(f)(6).
135K	135	5/21/2021 14:04	DMM # 21-00026 Public Comments Tab	127K	DMM Date Filed: 06/04/2021 DMM Document Title: Heritage Public Comment Response Matrix - Written Comments and Responses DMM Item No.: 42	Surface & Subsurface Hydrology - Although consultants state that LIDAR imagery was used to map some features, it seems streams that are not State-protected were not mapped or characterized. This may result in unanticipated changes in surface hydrology as development of the road segments, tower pads and related infrastructure is built and resides on the landscape. Specifically, development can alter inputs of water and sediment to waterbodies, arguably especially to smaller, steeper unprotected streams. Because these streams often flow into larger, protected streams, they should be mapped and potential impacts of development should be mitigated. Appendix 21B (Preliminary Geotechnical Engineering Report) and Exhibit 21.3 (Bedrock) suggest that groundwater may be at or near the surface at many of the tower locations.	Comment regarding environmental impacts	The Wetland Delineation Report, included as Appendix 22-J to the Application details the results of the wetland and stream delineations conducted for the Facility. The wetland delineation report and wetland and stream impacts quantified in Appendix 22-K included all delineated streams, and were not limited to state-protected streams. As described in Exhibit 21 and Appendix 21-B, ground water may be encountered during Facility construction.	Please see response to Comment 135A above.
135L	135	5/21/2021 14:04	DMM # 21-00026 Public Comments Tab	127L	DMM Date Filed: 06/04/2021 DMM Document Title: Heritage Public Comment Response Matrix - Written Comments and Responses DMM Item No.: 42	Invasive Species Management: Appendix 22 B (Invasive Species Control Plan) does not include the required map as specified in Draft Permit Specific Condition # 4, i (p. 52). Note that there is no Figure 22-1 in the Article 10 Project file website (see note in reference to Table 1 in ORES Appendix 22 B, p. 2). If that table does exist, it should be verified and updated as noted in Appendix 22 B, p. 3 (4. Pre-Construction Monitoring for Invasive Species).	Comment regarding wildlife	An updated Invasive Species Control Plan will be submitted to ORES as a pre-construction compliance filing. Figure 22-1 was filed on the Heritage Wind DMM on March 13, 2020. The figure includes locations of invasive species labeled with first two letters of genus followed by first two letters of the species name (e.g., Rosa multiflora is labeled on the map as ROMU). As described in Appendix 22-B of the Article 10 Application, during the growing season immediately prior to the start of construction-related activities, a Pre-Construction Invasive Species Survey will be conducted to document the location and map existing absolute cover of invasive species. Though a preliminary field survey was completed as part of Appendix 22-B to identify invasive species in the vicinity of the Facility, the pre-construction survey will account for any changes to the Facility layout and/or invasive species presence/cover that may occur between the time of Application filing and Facility construction. A map including the relative abundance and distribution of each species will be included as part of the Invasive Species Control Plan, submitted as a pre-construction compliance filing.	Please see response to Comment 135A above. Without limitation, the Draft Permit requires submission of the final Invasive Species Control Plan as a pre-construction compliance filing. Draft Permit, subpart 7-l(f)(4).

135M	135	5/21/2021 14:04	DMM # 21-00026 Public Comments Tab		127M	DMM Date Filed: 06/04/2021 DMM Document Title: Heritage Public Comment Response Matrix - Written Comments and Responses DMM Item No.: 42	Wetlands & Vernal pools TOWER 8: Based on orthoimagery used as underlying layer in Figure 22-1, Pt. 1 (Sheet 58) and Pt. 2 (Sheets 68 and 78), it appears previous human entry and disturbances have occurred in both the 2nd-growth (?) and wetland portions. That said, they are relatively large ecotypes. Any opportunity to omit the planned disturbance/disruption would help to keep these features functional and intact in their current condition would likely be advantageous. The planned routing of the collection lines may prohibit this	Comment regarding environmental impacts	The southeastern edge of the limits of disturbance associated with T8 overlap with a forested wetland, which will result in a minor (0.15 acre) permanent forest conversion impact. No vernal pools were identified within the limits of disturbance for turbine T8. Vernal pools N, M, L, K, J, and I were identified along a collection line route/access road leading to T8; however, that collection line route and access road were alternate routes and were removed from the Facility design (see the Article 10 Supplement, filed January 13, 2021). Efforts were made to avoid and minimize direct and indirect impacts to vernal pools wherever practicable. Based on these efforts, impacts to 15 of the 16 vernal pools identified during the vernal pool survey will be completely avoided.	Please see response to Comment 135A above.
135N	135	5/21/2021 14:04	DMM # 21-00026 Public Comments Tab		127N	DMM Date Filed: 06/04/2021 DMM Document Title: Heritage Public Comment Response Matrix - Written Comments and Responses DMM Item No.: 42	p. 7, g: There are no Site Clearing Plans found in either Project file (ORES or Article 10). Considering nature and extent of ground disturbance associated with activities potentially allowed with Notice to Proceed with Site Preparation, it should not be granted until all preconstruction compliance filings have been done and approved.	Comment regarding environmental impacts	As per the Section 94-c regulations, the Applicant will not be able to commence construction until a "Notice to Proceed with Construction" has been issued by ORES, which will not be issued until after the pre-construction compliance filings have been filed and approved by ORES.	Comment noted.
135O	135	5/21/2021 14:04	DMM # 21-00026 Public Comments Tab		127O	DMM Date Filed: 06/04/2021 DMM Document Title: Heritage Public Comment Response Matrix - Written Comments and Responses DMM Item No.: 42	p. 10, b: No qualifications are listed for the third-party Environmental Monitor		As per the Section 94-c regulations, an Environmental Monitoring Plan, including the names and qualifications of companies that will serve as environmental monitors will be provided as a compliance filing.	Please see response to Comment 135 above. Without limitaiton, Third-party Environmental Monitoring is required under the Draft Permit, subpart 5-IV(b).
135P	135	5/21/2021 14:04	DMM # 21-00026 Public Comments Tab		127P	DMM Date Filed: 06/04/2021 DMM Document Title: Heritage Public Comment Response Matrix - Written Comments and Responses DMM Item No.: 42	p. 12, e: Buffers around wetlands should also be pre-flagged	Comment regarding environmental impacts	This condition is a uniform standard and condition established by the Section 94-c regulations.	Please see response to Comment 135A above.
135Q	135	5/21/2021 14:04	DMM # 21-00026 Public Comments Tab		127Q	DMM Date Filed: 06/04/2021 DMM Document Title: Heritage Public Comment Response Matrix - Written Comments and Responses DMM Item No.: 42	p. 14 & 15, l, 3: What happens if screen plantings fail after two years?	Comment regarding environmental impacts	This condition is a uniform standard and condition established by the Section 94-c regulations.	Please see response to Comment 135A above.
135R	135	5/21/2021 14:04	DMM # 21-00026 Public Comments Tab		127P	DMM Date Filed: 06/04/2021 DMM Document Title: Heritage Public Comment Response Matrix - Written Comments and Responses DMM Item No.: 42	p. 28, p. 1: All streams (including ephemeral) should be identified and flagged prior to commencing any ground-disturbing activities. Unprotected streams are the most numerous and often the steepest in a watershed. As such, they are sensitive to inputs on water, sediment and other pollutants and can convey them to larger, protected streams. Identifying and flagging and mitigating for downstream effects can prevent impacts to the larger, protected streams they typically flow into.	Comment regarding environmental impacts	This condition is a uniform standard and condition established by the Section 94-c regulations.	Please see response to Comment 135A above.
135S	135	5/21/2021 14:04	DMM # 21-00026 Public Comments Tab		127R	DMM Date Filed: 06/04/2021 DMM Document Title: Heritage Public Comment Response Matrix - Written Comments and Responses DMM Item No.: 42	p. 29, p. 3: Fuel storage should require secondary containment, regardless of linear/surface distance to water resources. Spills infiltrate downward	Comment regarding environmental impacts	Fuel storage is addressed in Exhibit 23 of the Application. This condition is a uniform standard and condition established by the Section 94-c regulations.	Please see response to Comment 135A above. See also Draft Permit, subpart 5-IV(p)(2).
135T	135	5/21/2021 14:04	DMM # 21-00026 Public Comments Tab		127S	DMM Date Filed: 06/04/2021 DMM Document Title: Heritage Public Comment Response Matrix - Written Comments and Responses DMM Item No.: 42	p. 29, p. 4: Fill is not to be introduced to wetlands or waterbodies without a permit from the appropriate Federal or State agency. These permits should be obtained and all relevant data provided to the public for comment prior to project approval.	Comment regarding environmental impacts	In accordance with the uniform standard and condition 900-6.1(d), prior to commencement of construction, the Applicant will obtain all necessary federal and federally-delegated permits and any other approvals that ORES is not empowered to provide or expressly authorized.	Please see response to Comment 135A above.
135U	135	5/21/2021 14:04	DMM # 21-00026 Public Comments Tab		127T	DMM Date Filed: 06/04/2021 DMM Document Title: Heritage Public Comment Response Matrix - Written Comments and Responses DMM Item No.: 42	p. 29, p. 5, last sentence: "...prevent any substantial visible contrast..." "Substantial is vague and open to interpretation and should be defined. Without definition there is no ability to determine if it has been achieved.	Comment regarding environmental impacts	This condition is a uniform standard and condition established by the Section 94-c regulations.	Please see response to Comment 135A above.

135V	135	5/21/2021 14:04	DMM # 21-00026 Public Comments Tab		127U	DMM Date Filed: 06/04/2021 DMM Document Title: Heritage Public Comment Response Matrix - Written Comments and Responses DMM Item No.: 42	p. 29, p. 6 & 7: Considering the preliminary findings about the potential for shallow groundwater in much of the project areas (Appendix 21 B, Preliminary Geotechnical Engineering Report) and the desktop analysis displayed in Figure 21-3 (Bedrock), concrete washouts should be done in such a way that infiltration into soils or and runoff cannot occur.	Comment regarding environmental impacts	This condition is a uniform standard and condition established by the Section 94-c regulations.	Please see response to Comment 135A above.
135W	135	5/21/2021 14:04	DMM # 21-00026 Public Comments Tab		127V	DMM Date Filed: 06/04/2021 DMM Document Title: Heritage Public Comment Response Matrix - Written Comments and Responses DMM Item No.: 42	p. 30, p. 11: The Discharge Notice and Response condition implies water quality would be sufficiently monitored to know when such a change has occurred. However, the Permit does not explicitly state a water quality monitoring protocol is required at any stage of project development, restoration or decommissioning. Similarly, because of ground and surface water connectivity, monitoring of unprotected water resources should be integrated into a water quality monitoring protocol.	Comment regarding environmental impacts	This condition is a uniform standard and condition established by the Section 94-c regulations.	Please see response to Comment 135A above.
135X	135	5/21/2021 14:04	DMM # 21-00026 Public Comments Tab		127W	DMM Date Filed: 06/04/2021 DMM Document Title: Heritage Public Comment Response Matrix - Written Comments and Responses DMM Item No.: 42	p. 30, q. 1, i: Due to the seasonal considerations, and life cycles for bird and wildlife species, wetland activities should not occur during the stated window of April 1 to June 15.	Comment regarding environmental impacts	This requirement only applies to breeding areas for NYS threatened or endangered amphibian species. This condition is a uniform standard and condition established by the Section 94-c regulations.	Please see response to Comment 135A above.
135Y	135	5/21/2021 14:04	DMM # 21-00026 Public Comments Tab		127X	DMM Date Filed: 06/04/2021 DMM Document Title: Heritage Public Comment Response Matrix - Written Comments and Responses DMM Item No.: 42	p. 30, q. 1, ii: Wetland function should be prioritized by not allowing work when surface conditions are wet. That said, wetlands are valuable in part because of their subsurface saturation and soil properties so their function should be prioritized at all times	Comment regarding environmental impacts	Impacts to wetlands will be permitted through the U.S. Army Corps of Engineers and ORES. This condition is a uniform standard and condition established by the Section 94-c regulations.	Please see response to Comment 135A above.
135Z	135	5/21/2021 14:04	DMM # 21-00026 Public Comments Tab		127Y	DMM Date Filed: 06/04/2021 DMM Document Title: Heritage Public Comment Response Matrix - Written Comments and Responses DMM Item No.: 42	p. 31, q. 1, iv: What's the rationale for allowing a four-month delay? Construction matting should be removed when its purpose has been served. Otherwise, it's considered "fill", which must be approved and permitted by the appropriate State or Federal agency. Also, it's not explicitly stated that any invasive species parts should be isolated and disposed of in accordance with the Invasive Species Management Control Plan.	Comment regarding environmental impacts	This condition is a uniform standard and condition established by the Section 94-c regulations.	Please see response to Comment 135A above.
135AA	135	5/21/2021 14:04	DMM # 21-00026 Public Comments Tab		127Z	DMM Date Filed: 06/04/2021 DMM Document Title: Heritage Public Comment Response Matrix - Written Comments and Responses DMM Item No.: 42	p. 31, q. 1, v, vi, vii: These sections are unclear. Wetland hydrology depends on both subsurface and surface waters. How will these measures be accomplished if subsurface breach occurs?	Comment regarding environmental impacts	These conditions are uniform standards and conditions established by the Section 94-c regulations.	Please see response to Comment 135A above.
135BB	135	5/21/2021 14:04	DMM # 21-00026 Public Comments Tab		127A-2	DMM Date Filed: 06/04/2021 DMM Document Title: Heritage Public Comment Response Matrix - Written Comments and Responses DMM Item No.: 42	p. 32, q. 1, xiii: Whose responsibility is it to decide what's appropriate?	Comment regarding environmental impacts	This condition is a uniform standard and condition established by the Section 94-c regulations.	Please see response to Comment 135A above.
135CC	135	5/21/2021 14:04	DMM # 21-00026 Public Comments Tab		127B-2	DMM Date Filed: 06/04/2021 DMM Document Title: Heritage Public Comment Response Matrix - Written Comments and Responses DMM Item No.: 42	p. 32, q. 2, i: No Wetland Restoration and Mitigation Plan is filed on either the ORES or Article 10 database of documents.	Comment regarding environmental impacts	A Conceptual Wetland Mitigation Plan was filed with the Joint Application filed on the ORES Document Matter management site on May 20, 2021. The Final Wetland Mitigation Plan will be developed in consultation with the U.S. Army Corps of Engineers and ORES.	Please see response to Comment 135A above. Without limitation, the Draft Permit requires submission of the final Wetland Restoration and Mitigation Plan as a pre-construction compliance filing. Draft Permit, subpart 7-1(f)(2).
135DD	135	5/21/2021 14:04	DMM # 21-00026 Public Comments Tab		127C-2	DMM Date Filed: 06/04/2021 DMM Document Title: Heritage Public Comment Response Matrix - Written Comments and Responses DMM Item No.: 42	p. 33, q. 2, v: Revegetation monitoring should be documented with digital picture files so that continuity over the monitoring period can be maintained when there is a change in personnel. The last part of the requirement regarding invasive species is unclear.	Comment regarding environmental impacts	This condition is a uniform standard and condition established by the Section 94-c regulations.	Please see response to Comment 135A above.
135EE	135	5/21/2021 14:04	DMM # 21-00026 Public Comments Tab		127D-2	DMM Date Filed: 06/04/2021 DMM Document Title: Heritage Public Comment Response Matrix - Written Comments and Responses DMM Item No.: 42	p. 33, q. 3: Cut vegetation, lopped and / or piled in a wetland may be considered fill if so, it would be required to be authorized and permitted by the appropriate Federal or State agency.	Comment regarding environmental impacts	This condition is a uniform standard and condition established by the Section 94-c regulations.	Please see response to Comment 135A above.

135FF	135	5/21/2021 14:04	DMM # 21-00026 Public Comments Tab		127E-2	DMM Date Filed: 06/04/2021 DMM Document Title: Heritage Public Comment Response Matrix - Written Comments and Responses DMM Item No.: 42	p. 34, q, 4, ii: Should geotextile fabric or gravel include minimum technical specifications?	Comment regarding environmental impacts	This condition is a uniform standard and condition established by the Section 94-c regulations.	Please see response to Comment 135A above.
135GG	135	5/21/2021 14:04	DMM # 21-00026 Public Comments Tab		127F-2	DMM Date Filed: 06/04/2021 DMM Document Title: Heritage Public Comment Response Matrix - Written Comments and Responses DMM Item No.: 42	p. 34, q, 7: Any fill in wetlands may require authorization and permitting from the appropriate State or Federal agency. The remainder of this condition is confusing / unclear and / or may be impossible to achieve.	Comment regarding environmental impacts	In accordance with the uniform standard and condition 900-6.1(d), prior to commencement of construction, the Applicant will obtain all necessary federal and federally-delegated permits and any other approvals that ORES is not empowered to provide or expressly authorized. This condition is a uniform standard and condition established by the Section 94- c regulations.	Please see response to Comment 135A above.
135HH	135	5/21/2021 14:04	DMM # 21-00026 Public Comments Tab		127G-2	DMM Date Filed: 06/04/2021 DMM Document Title: Heritage Public Comment Response Matrix - Written Comments and Responses DMM Item No.: 42	p. 34, q, 10: No Wetland Restoration and Mitigation Plan is filed on either the ORES or Article 10 database of documents.	Comment regarding environmental impacts	A Conceptual Wetland Mitigation Plan was filed with the Joint Application filed on the ORES Document Matter management site on May 20, 2021. The Final Wetland Mitigation Plan will be developed in consultation with the U.S. Army Corps of Engineers and ORES.	Please see response to Comment 135A above. Without limitation, the Draft Permit requires submission of the final Wetland Restoration and Mitigation Plan as a pre-construction compliance filing. Draft Permit, subpart 7-l(f)(2).
135II	135	5/21/2021 14:04	DMM # 21-00026 Public Comments Tab		127H-2	DMM Date Filed: 06/04/2021 DMM Document Title: Heritage Public Comment Response Matrix - Written Comments and Responses DMM Item No.: 42	p. 35, r, 2: Under what legislative authority can ORES or DPS make exception to allow work outside the operating seasons for in-stream work?	Comment regarding environmental impacts	This condition is a uniform standard and condition established by the Section 94-c regulations.	Please see response to Comment 135A above. Without limitation, the Draft Permit requires submission of the final Wetland Restoration and Mitigation Plan as a pre-construction compliance filing. Draft Permit, subpart 7-l(f)(2).
135JJ	135	5/21/2021 14:04	DMM # 21-00026 Public Comments Tab		127I-2	DMM Date Filed: 06/04/2021 DMM Document Title: Heritage Public Comment Response Matrix - Written Comments and Responses DMM Item No.: 42	p. 35, r, 3: Stream bank integrity is usually best achieved with a stable root system from woody vegetation. In some cases, rock may be advantageous as well. Depending on high flow volume and frequency, matting may be washed out within a few floods. If it is used, it should be matched to site conditions and installed according to manufacturer's instructions.	Comment regarding environmental impacts	This condition is a uniform standard and condition established by the Section 94-c regulations.	Comment noted.
135KK	135	5/21/2021 14:04	DMM # 21-00026 Public Comments Tab		127J-2	DMM Date Filed: 06/04/2021 DMM Document Title: Heritage Public Comment Response Matrix - Written Comments and Responses DMM Item No.: 42	p. 35, r, 4: As noted, instream snags can be important for fish even if they contribute to scouring. A fisheries biologist should review any situations where instream snags are being considered for removal.	Comment regarding environmental impacts	This condition is a uniform standard and condition established by the Section 94-c regulations.	Comment noted.
135LL	135	5/21/2021 14:04	DMM # 21-00026 Public Comments Tab		127K-2	DMM Date Filed: 06/04/2021 DMM Document Title: Heritage Public Comment Response Matrix - Written Comments and Responses DMM Item No.: 42	p. 36, r, 9: "All fish trapped within cofferdams..." This language should be expanded to include other organisms.	Comment regarding environmental impacts	This condition is a uniform standard and condition established by the Section 94-c regulations.	Please see response to Comment 135A above.
135MM	135	5/21/2021 14:04	DMM # 21-00026 Public Comments Tab		127L-2	DMM Date Filed: 06/04/2021 DMM Document Title: Heritage Public Comment Response Matrix - Written Comments and Responses DMM Item No.: 42	p. 36, r, 11: No Stream Restoration and Mitigation Plan is filed on either the ORES or Article 10 database of documents.	Comment regarding environmental impacts	There are no impacts to state-regulated streams proposed as a result of construction or operation of the Facility, as such, a Stream Restoration and Mitigation Plan is not required for the Facility.	Please see response to Comment 135A above. Without limitation, the Draft Permit requires submission of the final Stream Restoration and Mitigation Plan as a pre-construction compliance filing. Draft Permit, subpart 7-l(f)(3).
135NN	135	5/21/2021 14:04	DMM # 21-00026 Public Comments Tab		127M-2	DMM Date Filed: 06/04/2021 DMM Document Title: Heritage Public Comment Response Matrix - Written Comments and Responses DMM Item No.: 42	p. 45, 6, c: No Wetland Restoration and Mitigation Plan is filed on either the ORES or Article 10 database of documents.	Comment regarding environmental impacts	A Conceptual Wetland Mitigation Plan was filed with the Joint Application filed on the ORES Document Matter management site on May 20, 2021. The Final Wetland Mitigation Plan will be developed in consultation with the U.S. Army Corps of Engineers and ORES. There are no impacts to state-regulated streams proposed as a result of construction or operation of the Facility.	Please see response to Comment 135A above. Without limitation, the Draft Permit requires submission of the final Wetland Restoration and Mitigation Plan as a pre-construction compliance filing. Draft Permit, subpart 7-l(f)(2).
135OO	135	5/21/2021 14:04	DMM # 21-00026 Public Comments Tab		127N-2	DMM Date Filed: 06/04/2021 DMM Document Title: Heritage Public Comment Response Matrix - Written Comments and Responses DMM Item No.: 42	p. 47, 6, h: Neither Appendix I (Decommissioning Plan) nor Appendix 22 B (Invasive Species Control Management Plan) provides for invasive species management as part of and subsequent to project decommissioning. Given the amount of ground disturbance inherent in decommissioning, this is a serious omission affecting work to be done, multi-year monitoring and funding needed to achieve both	Comment regarding environmental impacts	This condition is a uniform standard and condition established by the Section 94-c regulations.	Please see response to Comment 135A above. Without limitation, the Draft Permit requires submission of the final Invasive Species Control Plan as a pre-construction compliance filing. Draft Permit, subpart 7-l(f)(4).

135PP	135	5/21/2021 14:04	DMM # 21-00026 Public Comments Tab		127O-2	DMM Date Filed: 06/04/2021 DMM Document Title: Heritage Public Comment Response Matrix - Written Comments and Responses DMM Item No.: 42	p. 48, 7, l, a: It should be explicitly stated that this includes permits from the US Army Corp of Engineers for work in wetlands under their jurisdiction.	Comment regarding environmental impacts	The language in this condition would include permits from the US. Army Corps of Engineers, if applicable to the Project. The Applicant filed a Joint Application for Permit with the U.S. Army Corps of Engineers (filed on ORES DMM on May 20, 2021). This condition is a uniform standard and condition established by the Section 94-c regulations.	Please see response to Comment 135A above and Draft Permit, subpart 5-l(d).
135QQ	135	5/21/2021 14:04	DMM # 21-00026 Public Comments Tab		127P-2	DMM Date Filed: 06/04/2021 DMM Document Title: Heritage Public Comment Response Matrix - Written Comments and Responses DMM Item No.: 42	p. 48, 7, l, b, 1: Neither Appendix I (Decommissioning Plan) nor Appendix 22 B (Invasive Species Control Management Plan) provides for invasive species management as part of and subsequent to project decommissioning. Given the amount of ground disturbance inherent in decommissioning, this is a serious omission affecting work to be done, multi-year monitoring and funding needed to achieve both.	Comment regarding environmental impacts	This condition is a uniform standard and condition established by the Section 94-c regulations.	Please see response to Comment 135A above. Without limitation, the Draft Permit requires submission of the final Invasive Species Control Plan as a pre-construction compliance filing. Draft Permit, subpart 7-l(f)(4).
135RR	135	5/21/2021 14:04	DMM # 21-00026 Public Comments Tab		127Q-2	DMM Date Filed: 06/04/2021 DMM Document Title: Heritage Public Comment Response Matrix - Written Comments and Responses DMM Item No.: 42	p. 49, 7, l, e, 1, 2, 3, 4, 5, & 6: There are no Quality Assurance and Control; Construction Operations, Facility Maintenance and Management, Vegetation Management, Facility Communications or Environmental Monitoring Plans on either the ORES or Article 10 database of documents.	Comment regarding environmental impacts	These plans are required pre-construction compliance filings and will not be filed until after the issuance of the Certificate. As per the Section 94-c regulations, the Applicant will not be able to commence construction until a "Notice to Proceed with Construction" has been issued by ORES, which will not be issued until after the pre-construction compliance filings have been filed and approved by ORES	Please see response to Comment 135A above. Submission of the final Quality Assurance and Control; Construction Operations, Facility Maintenance and Management, Vegetation Management, Facility Communications or Environmental Monitoring Plans as a pre-construction compliance filing is acceptable under 19 NYCRR §900-10.2.
135SS	135	5/21/2021 14:04	DMM # 21-00026 Public Comments Tab		127R-2	DMM Date Filed: 06/04/2021 DMM Document Title: Heritage Public Comment Response Matrix - Written Comments and Responses DMM Item No.: 42	p. 52, 7, f, 2: No Wetland Restoration and Mitigation Plan is filed on either the ORES or Article 10 database of documents	Comment regarding environmental impacts	A Conceptual Wetland Mitigation Plan was filed with the Joint Application filed on the ORES Document Matter management site on May 20, 2021. The Final Wetland Mitigation Plan will be developed in consultation with the U.S. Army Corps of Engineers and ORES.	Please see response to Comment 135A above. Without limitation, the Draft Permit requires submission of the final Wetland Restoration and Mitigation Plan as a pre-construction compliance filing. Draft Permit, subpart 7-l(f)(2).
135TT	135	5/21/2021 14:04	DMM # 21-00026 Public Comments Tab		127S-2	DMM Date Filed: 06/04/2021 DMM Document Title: Heritage Public Comment Response Matrix - Written Comments and Responses DMM Item No.: 42	p. 52, 7, f, 3: No Stream Restoration and Mitigation Plan is filed on either the ORES or Article 10 database of documents.	Comment regarding environmental impacts	There are no impacts to state-regulated streams proposed as a result of construction or operation of the Facility, as such, a Stream Restoration and Mitigation Plan is not required for the Facility.	Please see response to Comment 135A above. Without limitation, the Draft Permit requires submission of the final Stream Restoration and Mitigation Plan as a pre-construction compliance filing. Draft Permit, subpart 7-l(f)(3).
135UU	135	5/21/2021 14:04	DMM # 21-00026 Public Comments Tab		127T-2	DMM Date Filed: 06/04/2021 DMM Document Title: Heritage Public Comment Response Matrix - Written Comments and Responses DMM Item No.: 42	p. 52, 7, f, 4, i-vi: Appendix 22 B does not include the require baseline mapping, and therefore most of the related requirements listed here.	Comment regarding environmental impacts	This condition is in reference to a pre-construction compliance filing that will be filed with ORES after the issuance of the Certificate but prior to Facility construction. The requirements listed by this section will be addressed in the pre-construction compliance filing.	Please see response to Comment 135A above. Without limitation, the Draft Permit requires submission of the final Invasive Species Control Plan as a pre-construction compliance filing. Draft Permit, subpart 7-l(f)(4).
135VV	135	5/21/2021 14:04	DMM # 21-00026 Public Comments Tab		127U-2	DMM Date Filed: 06/04/2021 DMM Document Title: Heritage Public Comment Response Matrix - Written Comments and Responses DMM Item No.: 42	p. 52, 7, f, 4, iv: Invasive species monitoring (and identification and control of new infestations if any, should continue through the life of the project as should control measures to prevent their introduction.	Comment regarding environmental impacts	The Invasive Species Control and Management Plan will be prepared in accordance with 6 NYCRR Part 575. This is a uniform standard and condition established by the Section 94-c regulations.	Please see response to Comment 135A above. Without limitation, the Draft Permit requires submission of the final Invasive Species Control Plan as a pre-construction compliance filing. Draft Permit, subpart 7-l(f)(4).
135WW	135	5/21/2021 14:04	DMM # 21-00026 Public Comments Tab		127V-2	DMM Date Filed: 06/04/2021 DMM Document Title: Heritage Public Comment Response Matrix - Written Comments and Responses DMM Item No.: 42	Bedrock Appendix 21 B (Preliminary Geotechnical Engineering Report) suggests significant blasting may be required to site many of the towers due to shallow bedrock. It is unknown whether and to what extent this could affect or alter subsurface volumes and flowpaths, both to ecologic features and for water wells and intakes.	Comment regarding environmental impacts	Impacts from blasting are addressed in Exhibit 21 and Appendix 21-C of the Application. The Invasive Species Control and Management Plan will be prepared in accordance with 6 NYCRR Part 575. This is a uniform standard and condition established by the Section 94-c regulations. In accordance with the Draft Permit, the Applicant will engage a third-party to perform pre-and post-construction testing of the potability of water wells within for locations within 1,000 feet of an existing active water supply well on a non-participating property.	Please see response to Comment 135 above and blasting requirements and safeguards for water supply in Draft Permit, subpart 5-IV(m)(2)-(3) and (n)(1).
135XX	135	5/21/2021 14:04	DMM # 21-00026 Public Comments Tab		127W-2	DMM Date Filed: 06/04/2021 DMM Document Title: Heritage Public Comment Response Matrix - Written Comments and Responses DMM Item No.: 42	Surface & Subsurface Hydrology Exhibit 23 (Water Resources & Aquatic Ecology) states Final SWPPP with discharge calculations resulting from development won't be done until after certification of the facility. Therefore Appendix 21 E does not disclose modeled changes in surface hydrology resulting from the project.	Comment regarding environmental impacts	As described in Exhibit 23 of the Application, because final engineering will not be completed until the Facility has been certified, and because the Applicant will ultimately seek coverage under the State Pollutant Discharge Elimination System independent of the Article 10 (Section 94-c) process, a final SWPPP was not included in the Application. Following Certification of the Facility, the Applicant will conduct the detailed engineering necessary to prepare a final SWPPP, in accordance with the SPDES General Permit.	Please see response to Comment 135A above. A finalized SWPPP will be submitted in accordance with Draft Permit, subparts 5-l(d) and 7-l(a). See also construction requirements in Draft Permit, subpart 5-IV(p)(1).

135YY	135	5/21/2021 14:04	DMM # 21-00026 Public Comments Tab		127X-2	DMM Date Filed: 06/04/2021 DMM Document Title: Heritage Public Comment Response Matrix - Written Comments and Responses DMM Item No.: 42	Appendix 22 B (Invasive Species Control Plan) does not include the required map as specified in Draft Permit Specific Condition # 4, i (p. 52). Note that there is no Figure 22-1 in the Article 10 Project file website (see note in reference to Table 1 in ORES Appendix 22 B, p. 2). If that table does exist, it should be verified and updated as noted in Appendix 22 B, p. 3 (4. Pre-Construction Monitoring for Invasive Species).	Comment regarding environmental impacts	Requirement (4)(i) on page 52 of the Draft Permit is in regards to a pre-construction compliance filing, not a Site Specific Condition. In accordance with the Section 94-c regulations, the Applicant will prepare an Invasive Species Control Plan that will be filed with ORES prior to construction. The requirement to include baseline mapping of all invasive species including relative abundance and distribution will be included in the pre-construction compliance filing.	Please see response to Comment 135A above. Without limitation, the Draft Permit requires submission of the final Invasive Species Control Plan as a pre-construction compliance filing. Draft Permit, subpart 7-l(f)(4).
135ZZ	135	5/21/2021 14:04	DMM # 21-00026 Public Comments Tab		127Y-2	DMM Date Filed: 06/04/2021 DMM Document Title: Heritage Public Comment Response Matrix - Written Comments and Responses DMM Item No.: 42	Though it may be decades in the future, according to Appendix I (Decommissioning Plan), project site decommissioning will entail significant ground disturbance with potential to introduce or spread invasive species. This consideration should be included in Cumulative Effects analysis and resources must be committed by the Applicant to make sure invasive species are addressed long after the 5-year post- construction timeframe they've committed to in Appendix 22 B (Invasive Species Control Plan), p. 6.	Comment regarding environmental impacts	The Invasive Species Control Plan will be prepared in accordance with the Section 94-c pre- construction compliance filing regulations.	Please see response to Comment 135A above. Without limitation, the Draft Permit requires submission of both the Final Decommissioning and Site Restoration Plan and the final Invasive Species Control Plan as a pre-construction compliance filing. Draft Permit, subpart 7-l(b) and (f)(4).
135AAA	135	5/21/2021 14:04	DMM # 21-00026 Public Comments Tab		127Z-2	DMM Date Filed: 06/04/2021 DMM Document Title: Heritage Public Comment Response Matrix - Written Comments and Responses DMM Item No.: 42	Streams & Wetlands Exhibit 22 (Terrestrial Ecology and Wetlands), p.62 describes proposed mitigation for permanent impact to 0.19 acres of wetland. While it could be argued that wetland habitat is plentiful in and around the project area, given the importance of local wetlands to bird and wildlife species, onsite wetlands should be prioritized over contributing to a compensation fund.	Comment regarding environmental impacts	A Conceptual Wetland Mitigation Plan was filed with the Joint Application filed on the ORES Document Matter management site on May 20, 2021 that includes preliminary details for on-site mitigation. The Final Wetland Mitigation Plan will be developed in consultation with the U.S. Army Corps of Engineers and ORES.	Please see response to Comment 135A above. Without limitation, the Draft Permit requires submission of the final Wetland Restoration and Mitigation Plan as a pre-construction compliance filing. Draft Permit, subpart 7-l(f)(2).
135BBB	135	5/21/2021 14:04	DMM # 21-00026 Public Comments Tab		127A-3	DMM Date Filed: 06/04/2021 DMM Document Title: Heritage Public Comment Response Matrix - Written Comments and Responses DMM Item No.: 42	Environmental monitoring NYS taxpayers are stakeholders in this project. Therefore, monitoring is mitigation. In addition to the concerns regarding potential conflict of interest by having the Environmental Monitor paid by the Applicant, there is an issue of transparency relative to findings regarding environmental compliance. State and Federal resource management agencies and the public should be granted access to daily monitoring reports via website postings or some other manner. Agency staff should be granted access if owner or operator is documented not be compliant with permit conditions.	Comment regarding environmental impacts	As described in Exhibit 22 of the Application, the Environmental Monitor will be an independent, third-party monitor. The monitor will keep a log of daily construction activities, and will issue periodic/regular (typically weekly) reporting and compliance audits. NYSDEC would be able to visit the site and perform inspections at their own discretion.	Please see response to Comment 135 above. Without limitaiton, Third-party Environmental Monitoring is required under the Draft Permit, subpart 5-IV(b).
135CCC	135	5/21/2021 14:04	DMM # 21-00026 Public Comments Tab		127B-3	DMM Date Filed: 06/04/2021 DMM Document Title: Heritage Public Comment Response Matrix - Written Comments and Responses DMM Item No.: 42	Cumulative effects analysis There has been very little to none for aquatic resources or any other environmental impact in this project.	Comment regarding environmental impacts	Exhibit 22 and Appendix 22-G of the Application include cumulative impact analyses for birds, bats, and habitat impacts. There are no anticipated cumulative impacts for aquatic resources.	Wildlife concerns are addressed in DMM Comment No. 17.
136A	136	5/21/2021 14:13	DMM # 21-00026 Public Comments Tab		128A	DMM Date Filed: 06/04/2021 DMM Document Title: Heritage Public Comment Response Matrix - Written Comments and Responses DMM Item No.: 42	Please find attached documents that are supplemental to the SOS comments but filed separately due to file size. We ask that they be considered as additional comments to the draft permit conditions. Thank you. (SOS Supplement A - June 25, 2019 NY Times Article)	Comments in opposition not relevant to the content of the draft permit	This is not relevant to this proceeding or the Draft Permit. Comment Noted.	Please see response to Comment 135A above.
136B	136	5/21/2021 14:13	DMM # 21-00026 Public Comments Tab		128B	DMM Date Filed: 06/04/2021 DMM Document Title: Heritage Public Comment Response Matrix - Written Comments and Responses DMM Item No.: 42	Please find attached documents that are supplemental to the SOS comments but filed separately due to file size. We ask that they be considered as additional comments to the draft permit conditions. Thank you. (SOS Supplement B - SOS Comment on Draft Regulations)	Comments in opposition not relevant to the content of the draft permit	This is not relevant to this proceeding or the Draft Permit. Comment Noted.	
136C	136	5/21/2021 14:13	DMM # 21-00026 Public Comments Tab		128C	DMM Date Filed: 06/04/2021 DMM Document Title: Heritage Public Comment Response Matrix - Written Comments and Responses DMM Item No.: 42	Please find attached documents that are supplemental to the SOS comments but filed separately due to file size. We ask that they be considered as additional comments to the draft permit conditions. Thank you. (SOS Supplement C)	Comments in opposition not relevant to the content of the draft permit	This is not relevant to this proceeding or the Draft Permit. Comment Noted. These comments were considered and responded to by the Applicant in the Article 10 PSS Comment Response and stipulations process.	
136D	136	5/21/2021 14:13	DMM # 21-00026 Public Comments Tab		128D	DMM Date Filed: 06/04/2021 DMM Document Title: Heritage Public Comment Response Matrix - Written Comments and Responses DMM Item No.: 42	Please find attached documents that are supplemental to the SOS comments but filed separately due to file size. We ask that they be considered as additional comments to the draft permit conditions. Thank you. (SOS Supplement D)	Comments in opposition not relevant to the content of the draft permit	This is not relevant to this proceeding or the Draft Permit. Comment Noted.	
136E	136	5/21/2021 14:13	DMM # 21-00026 Public Comments Tab		128E	DMM Date Filed: 06/04/2021 DMM Document Title: Heritage Public Comment Response Matrix - Written Comments and Responses DMM Item No.: 42	Please find attached documents that are supplemental to the SOS comments but filed separately due to file size. We ask that they be considered as additional comments to the draft permit conditions. Thank you. (SOS Supplement E)	Comments in opposition not relevant to the content of the draft permit	This is not relevant to this proceeding or the Draft Permit. Comment Noted. These comments were considered and responded to by the Applicant in the Article 10 PSS Comment Response and stipulations process.	

136F	136	5/21/2021 14:13	DMM # 21-00026 Public Comments Tab		128F	DMM Date Filed: 06/04/2021 DMM Document Title: Heritage Public Comment Response Matrix - Written Comments and Responses DMM Item No.: 42	Please find attached documents that are supplemental to the SOS comments but filed separately due to file size. We ask that they be considered as additional comments to the draft permit conditions. Thank you. (SOS Supplement F)	Comments in opposition not relevant to the content of the draft permit	This is not relevant to this proceeding or the Draft Permit. Comment Noted. These comments were considered and responded to by the Applicant in the Article 10 PSS Comment Response and stipulations process.	
136G	136	5/21/2021 14:13	DMM # 21-00026 Public Comments Tab		128G	DMM Date Filed: 06/04/2021 DMM Document Title: Heritage Public Comment Response Matrix - Written Comments and Responses DMM Item No.: 42	Please find attached documents that are supplemental to the SOS comments but filed separately due to file size. We ask that they be considered as additional comments to the draft permit conditions. Thank you. (SOS Supplement G)	Comments in opposition not relevant to the content of the draft permit	This is not relevant to this proceeding or the Draft Permit. Comment Noted. These comments were considered and responded to by the Applicant in the Article 10 PSS Comment Response and stipulations process.	
137	137	5/21/2021 14:30	DMM # 21-00026 Public Comments Tab		129A	DMM Date Filed: 06/04/2021 DMM Document Title: Heritage Public Comment Response Matrix - Written Comments and Responses DMM Item No.: 42	Please see attached comments.	Comment regarding wildlife	Please see Attachment "Technical Memorandum for Heritage Wind's Response to Proposed Issues and Public Comments on Avian Issues" for a detailed response to these comments.	
138	138	5/21/2021 14:37	DMM # 21-00026 Public Comments Tab		130A	DMM Date Filed: 06/04/2021 DMM Document Title: Heritage Public Comment Response Matrix - Written Comments and Responses DMM Item No.: 42	Please find attached a press released dated April 27, 2021, from the American Bird Conservancy entitled "New York Fast-Track Renewable Energy Regulation Paves Way for High-Risk Wind Project".	Comment regarding wildlife	Please see Attachment "Technical Memorandum for Heritage Wind's Response to Proposed Issues and Public Comments on Avian Issues" for a detailed response to these comments.	
139	139	5/21/2021 14:50	DMM # 21-00026 Public Comments Tab (292 NY Resident Comments)		131A	DMM Date Filed: 06/04/2021 DMM Document Title: Heritage Public Comment Response Matrix - Written Comments and Responses DMM Item No.: 42	The following document contains names and contact information of people who signed the letter below: In 2019, the New York State legislature passed the Climate Leadership and Community Protection Act (CLCPA), the most ambitious climate law in the nation. The CLCPA requires that we generate 70% of our electricity from renewable energy by 2030 requiring that in the next ten years we need to double the amount of renewable energy we produce. First proposed in 2016, the Heritage Wind farm has gone through a lengthy review process and we appreciate the swift action to issue a draft permit once their application was transferred to your office. As you accept public comments, I am here to share that I support Heritage Wind and ask you to issue them their final permit so that they can move to construction and begin producing clean energy for our region. Heritage Wind will power more than 45,000 with clean energy, contribute millions of dollars to local governments and landowners, and create hundreds of family-supporting jobs. Coupled with other clean energy projects across the state – we can not only transition to clean energy but also revitalize our economy. The document contains 294 signatures. 84 of the signatories wrote additional personal messages. These signatures indicate broad and diverse support to bring renewable energy to our state. Thank you for considering these New Yorkers' input.	Comment in Support Not Relevant to Content of Draft Permit	Comment noted. This is not relevant to the content of draft permit, so no further response will be provided.	Receipt of 292 letters in support from Sierra Club Members acknowledged for the record. (NOTE: Comment 139 is same as ORES Comments 1044-1335)
140	140	5/21/2021 15:53	DMM # 21-00026 Public Comments Tab		132A	DMM Date Filed: 06/04/2021 DMM Document Title: Heritage Public Comment Response Matrix - Written Comments and Responses DMM Item No.: 42	Comments of Diana Strablow Sierra Club Niagara Group Vice-Chair We are facing an existential climate crisis and need to transition to renewable energy as rapidly as possible. I am thrilled that NY is on that path with the passage of the CLCPA that sets fossil fuel emission reduction and renewable energy mandates. In order to meet those mandates and act in time to have the impact on climate change that is urgent, we must move forward with wind and solar projects. The impacts of climate change are becoming evident here in western NY in the form of erratic weather and rising lake levels. A number of years ago the National Audubon Society issued a study indicating that half the species of birds in North America are in danger of extinction due to climate change, that number has now increased to two-thirds or 389 out of 604 North American bird species that are in danger of extinction due to greenhouse gas emissions. While we would prefer that no birds are killed, this is astronomical when compared to a few birds that may be killed with carefully sited wind turbines. Audubon advocates for the transition to renewable energy including wind turbines. With that said, as we move forward to make this transition, the environmental and human impacts of any proposed project need to be diligently considered. In the case of the Heritage Wind Project, the environmental, community and economic impacts have been carefully studied. After extensive studies evaluating the impacts on birds and other wildlife and their habitats the project has been found to meet all NYS and federal requirements. Unlike fracking and combustion of fossil fuels, wind turbines do not cause health impacts and are a necessary part of NY's transition from fossil fuels to clean renewable Please move this carefully studied Heritage Wind Project forward and allow the wind to power NY. Audubon study: https://www.audubon.org/climate/survivalbydegrees	Comment in Support Not Relevant to Content of Draft Permit	Comment noted. This is not relevant to the content of draft permit, so no further response will be provided.	Comment noted.
141	141	5/21/2021 15:57	DMM # 21-00026 Public Comments Tab		133A	DMM Date Filed: 06/04/2021 DMM Document Title: Heritage Public Comment Response Matrix - Written Comments and Responses DMM Item No.: 42	Attached is a USFWS study report. The radar study that was completed just south of the project area and near the Iroquois National Wildlife Refuge. This study showed large volumes of birds in this area. This is the type of study that should have been done in the project area and near the Wildlife Management Areas prior to application for the Heritage Wind project. Given the location of this project so close to a national refuge, we request that ORES obtain a report from USFWS on potential impacts. <input type="checkbox"/> Kate Kremer, Save Ontario Shores, Inc. VP.	Comment regarding wildlife	Please see Attachment ""Technical Memorandum for Heritage Wind's Response to Proposed Issues and Public Comments on Avian Issues" for more information on migratory birds."	Receipt of the USFWS letter dated May 21, 2021 is acknowledged for the record. Please see response to Comment 17 above.

142	142	5/21/2021 16:01	DMM # 21-00026 Public Comments Tab		134A	<p>DMM Date Filed: 06/04/2021 DMM Document Title: Heritage Public Comment Response Matrix - Written Comments and Responses DMM Item No.: 42</p> <p>Concerns with the accessibility of Public Participation</p> <p>The Barre community has poor internet accessibility with only 50% of the community even having access to broad band or high speed internet. Individuals of Barre, myself included, desire to be heard and would like to have this occur in person, so that those who are ruling on this proposed project that will have such a large impact on our community will see the faces of our community that their decision will be impacting. We would like those who are making the decisions in regards to our community, see why we love our community and why we are passionate to protect the community. The 94-C process and the draft permit that suggested that the Town Laws and regulations should be overruled in favor of this project, seems to discourage our participation in what would be the largest proposed project that the Town of Barre, and Orleans County for that matter has seen. Yesterday at the Public hearing it was extremely challenging to connect with the webex system. I am not exactly sure what the problems specifically were but it took me over ten minutes to connect with the webex platform. Others were never able to connect, and many who had signed up to speak did not (I am not sure of each of their reasoning if it was technical difficulties or not). I had multiple text messages from community members who were trying to connect and were unable to do so. I was able to provide them with the tech support phone number, which I know some were saying they called and had to leave a message Missing the beginning of the public hearing. Also, many of us myself included, are forced to use our phones as our only source of internet, this makes making a call for help or technical support challenging. If there were others who did not reach out, they would not have had access to the tech support phone number.</p> <p>In addition, I was hoping that through the webex platform we would be able to see the individuals presiding over the procedure (thank you for allowing us to see the Honorable Judge Sherman); however, you were not able to see us, or the others who were in attendance.</p> <p>At the beginning of the meeting it was mentioned that information on the public hearing was posted on the DMM site for this case. On March 15, 2021 Document number 51 was filed under the following title: ¿Combined Notice of Availability of Draft Permit Conditions - FULL NOTICE¿ this is where the notice for a public hearing was placed. A resident of our community or person of the general public who was interested in participating in this proceeding, or had possibly misplaced the letter that was sent out to them; would have a challenge finding the date and information for participation in the public hearing on the DMM site. The title does not indicate that this is where you would find the public notice of a public hearing. As I stated in a previous comment, this event was also not posted on the calendar on the DPS site for this proposed project. The combination of this information and others could be construed as a discouragement to the public from participating in this process.</p>	Comment in opposition Not Relevant to Content of Draft Permit	Comment noted. This is not relevant to the content of draft permit, so no further response will be provided.	As noted in Comment 2B, EL § 94-c and the Office's regulations at 19 NYCRR part 900 require public notice of all Draft Permits (including the Draft Permit issued in this case), public access to all application materials through the Document Matter Management (DMM) system, and opportunities to participate in the Draft Permit review process. Following issuance of the Office's Draft Permit in compliance with EL § 94-c and the Office's regulations at 19 NYCRR part 900, a robust public comment period and issues determination procedure was conducted under supervision of two assigned Administrative Law Judges (ALJs). This process included a public comment hearing on May 20, 2021, and acceptance of written public comments via numerous means through May 21, 2021 (via regular mail, email and direct posting on the "Public Comment" tab for Matter Numer 21-00026 in the DMM system). Due to the worldwide COVID-19 pandemic, the public informational hearing was conducted virtually in accordance with New York State public health directives and executive orders. The Office received a wide variety of public comment on this case, as demonstrated by this filing. Additional information can be found in the record of this proceeding at Document Matter Management (DMM) system Matter No. 21-00026, accessible online at https://ores.ny.gov/permit-applications .
143	143	5/21/2021 16:23	DMM # 21-00026 Public Comments Tab		135A	<p>DMM Date Filed: 06/04/2021 DMM Document Title: Heritage Public Comment Response Matrix - Written Comments and Responses DMM Item No.: 42</p> <p>Alternative Project:□</p> <p>In review of the application and draft regulations that have been proposed, the application is being compared to an alternative of no project; however, this is not accurate and should not be the standard. Currently, there is another proposed project for the Town of Barre in the 94-C process, the Orleans Community Solar project that is anticipated to bring 200 MW (more than the proposed Heritage Wind Project) of renewable energy. These projects are intended to work towards achieving the Governor's ambitious green energy goals. If both projects were to be approved, the Town of Barre would be contributing over 400 MW of green energy to the grid; however, this does come at a cost to our agricultural community. As stated by Honorable Judge Sherman, the proposed Heritage Wind Project, would have about a 6,000 acre impact on our community. The proposed Orleans Community Solar Project appears to be an additional about 2,000 acre impact. The Town of Barre is about 55 sq miles or 35,200 acres. The proposed Heritage Wind project will impact 17% of the land in our entire Barre community, and the proposed Orleans Community Solar Project would be another 5.6% of our community or 23% of the Town of Barre would be dedicated to renewable energy production. □</p> <p>□</p> <p>I request that the Orleans Community Solar project be reviewed as an alternative to the proposed Heritage Wind Project. The Orleans Community Solar project; appears to have a lower negative environmental impact, less opposition, and better compliance with the Town of Barre ordinance. I do believe that a thorough review of the proposed Orleans Community Solar project still occurs.</p>	Comment in opposition Not Relevant to Content of Draft Permit	Comment noted. This is not relevant to the content of draft permit, so no further response will be provided. Neither Section 94-c nor Article 10 require the review of separately proposed projects as alternatives to one another. Exhibit 9 of the Application fully addresses alternatives, including alternative technology such as solar, as well as the State's need for the development of thousands of megawatts of additional renewable energy across the State to meet the CLCPA targets (see also Exhibit 10).	Please see response to Comment 82 above. As noted in additional comments above, in compliance with the CLCPA, New York State is pursuing multiple renewable energy options to transform the State to a carbon-free economy, including measures to upgrade transmission capacity statewide. While solar power is included in the diverse mix of energy options, it is not a replacement for major (utility-scale) land-based wind projects that are also necessary to combat climate change and achieve CLCPA targets of 70% clean energy by 2030, and carbon-free electrical generation by 2040.
144	144	5/21/2021 16:51	DMM # 21-00026 Public Comments Tab		136A	<p>DMM Date Filed: 06/04/2021 DMM Document Title: Heritage Public Comment Response Matrix - Written Comments and Responses DMM Item No.: 42</p> <p>If the proposed Heritage Wind Project were to be approved, without site-specific conditions; this would go against the current laws of the Town of Barre, and be against a majority of the residents' desires. When the current residents of Barre moved here it was with the understanding that we would be protected by our Town laws and regulations, in addition, when the leaseholders of this project signed their leases; I believe that this also occurred with the understanding that this project would abide by the laws of our Town. I know from speaking to some of the leaseholders (which will remain anonymous as the contract with the developer does not allow for negative comments or comments that could be construed to go against the project) that when they signed their leases the project was proposed to have IWTs that were less than 500 feet, and many were thinking that they would be similar to the industrial wind turbines that are located in the High Sheldon project that has a tip height which is under 400ft. However, the increase in height to almost 700 feet was frustrating to them as well.</p> <p>Three different processes were tried to obtain public opinion in regards to this project. There has NEVER been a majority of the Barre community in support of the proposed project. (290 Surveys accepted by individuals- may have not been residents of Barre)</p> <p>Summer 2018- Town Survey (done prior to the Town having an understanding of the scope of this project. Surveys were NOT sent to each residence in the Town of Barre, and the developer mailed copies to all of the lease holders.</p> <p>Results:</p> <p>44% support proposed project; 39% Opposed; 8% Neutral; 7% Needed more information</p> <p>Postcard Canvas conducted by Citizens for a Better Barre</p> <p>538 Individuals contacted</p> <p>79% Opposed; 3% Unsure; 5% refused to comment; 8% had moved away; 5% supportive</p> <p>This canvas did not include Town Board members or leaseholders, who were financially incentivised.</p> <p>Summer of 2020 Survey conducted by Dr. George McKenna resident</p> <p>735 Surveys sent to all residences in Barre- 5 undeliverable (responses were randomly numbered and assigned to households by the printers to ensure no duplicate entries could be submitted)</p> <p>Responses were by households 258 households responded</p> <p>4 households responded undecided</p> <p>70% Totally opposed to the proposed Heritage Wind Project</p> <p>30% would consider the proposed project</p> <p>Only 22/254 responses were for the project no matter what</p> <p>See attached the results.</p>	Comments regarding local law waivers	This comment largely takes issue with the Section 94-c process and ORES's ability to waive local laws. To the extent that the comment takes issue with ORES's specific decision to waive local laws in this case, the Record supports the waivers. Exhibit 31 of the Application outlines the unreasonably burdensome nature of the provisions for which a waiver was sought. The Town of Barre has since amended its local laws to remove many provisions for which a waiver was needed, and to clarify other provisions. The Draft Permit does not reflect these local law changes adopted in early 2021. Lastly, in terms of process, the Section 94-c process provides the Town with the opportunity to assess compliance with local laws through a Municipal Statement of Compliance and to raise any substantive and significant issues related to, for example, local law compliance or waivers, in their Statement of Issues. The Town of Barre submitted a Statement of Issues and Municipal Statement of Compliance on May 18, 2021.	Please see response to Comment 120A above. The height and setbacks of the proposed wind turbines comply with applicable provisions of the Barre Town Code.
145	145	5/21/2021 17:08	DMM # 21-00026 Public Comments Tab		137A	<p>DMM Date Filed: 06/04/2021 DMM Document Title: Heritage Public Comment Response Matrix - Written Comments and Responses DMM Item No.: 42</p> <p>We need to thoughtfully, with sensible clear minds, look at renewable projects in the context of where they are being placed. Our state is diverse and deserves to be preserved while striving for our governors renewable goals. What makes Heritage Wind coming to Barre different? We are sandwiched in a large migratory flight path. We have the Iroquois Wildlife Refuge and Oak Orchard Preserve right next door. We are a populated community ¿ not located in one area but throughout Barre, true to our history. We have houses dating back into the 1800¿s with little glimpses into NYS past. Our nights are quiet and our stars bright. How is this project adapting to its surroundings? It isn¿t. How can NYS protect this rich environment and community? Not permitting this project as it is sited. Community members are not opposed to renewable change ¿ if fact another renewable project is already being proposed. We are, however, opposed to poor siting! 33 turbines reaching 700 feet tall in close proximity to refuges, wetlands, and HOMES. The negative impacts to this community could not possibly be praised under NYS renewable goals. □</p> <p>□</p> <p>Barre Resident</p>	Comment in opposition Not Relevant to Content of Draft Permit	This is not relevant to the content of draft permit. Comment noted. With respect to wildlife concerns, please see Attachment ""Technical Memorandum for Heritage Wind's Response to Proposed Issues and Public Comments on Avian Issues" for more information on migratory birds."	Please see responses to Comments 4, 5, 17 and 57 above.

146	146	5/21/2021 17:09	DMM # 21-00026 Public Comments Tab		138A	DMM Date Filed: 06/04/2021 DMM Document Title: Heritage Public Comment Response Matrix - Written Comments and Responses DMM Item No.: 42	In response to comments in support of the project to achieve our states climate control initiatives, and the claims made in the application; the 2019 NYSIO report (when the NYSEERDA contract was awarded to the proposed Heritage Wind Project), the NYSIO recognized that this project along with others, would not actually work towards meeting those objectives as can be seen below. The upstate grid is 87% carbon emission free energy (Robert Moses Niagara hydro + St Lawrence hydro+ 4 nuclear reactors + solar + wind) while the downstate grid is only 28% carbon emission free, according to the NYSIO 2019 Report. NYS is full of electric transmission bottlenecks that limit the flow of electricity from upstate to downstate. 80% of the state's transmission lines were built before 1980. Even with the Western New York and AC Transmission projects already selected by the NYSIO, congestion on the system will persist, complicating the state's ability to meet its renewable energy goals. The inability of the transmission system to deliver increasing amounts of renewable supply from upstate New York to downstate consumers jeopardizes achieving the state's public policy goals. (NYSIO 2019 Report) In the awards of REC contracts including the Heritage Wind Project, announced in January 2019, NYSEERDA noted that it was supporting 20 large-scale renewable projects representing 1,654 MW of installed capacity. 18.93% of the awarded capacity will be located upstate (in load zones A-E), where clean energy resources are already abundant and access to load centers in southeastern New York is heavily constrained. "Absent investment to expand the transfer capability of the bulk power system, investment in renewables in upstate load zones runs the risk of bringing diminishing returns in terms of progress toward both renewable energy production and carbon dioxide emissions reduction goals. This is largely because nearly 90% of the energy produced in upstate New York already is derived from carbon-free resources. Because load in the region is not projected to grow, the addition of new renewable resources increasingly displaces other sources of clean generation in the region. - 2019 Power Trends "Ultimately, without market-based incentives for investment in renewable resources and a robust transmission system to move power to load, state policies could promote a resource mix where new renewable resources increasingly displace the output from existing renewable or other zero-emitting resources. Furthermore, additional renewable resources upstate will place downward pressure on wholesale energy prices, placing upward price pressure on the state's REC payments. This dynamic not only reduces the effectiveness of competitive markets as a mechanism to provide reliable service, it also jeopardizes the economic viability of resources lacking access to out-of-market revenues. Such resources may include generating capacity necessary for reliability as well as existing renewable resources whose REC contracts with NYSEERDA have expired. These out-of-market contracts drive increasing amounts of revenue away from New York's efficient competitive wholesale markets, shifting economic risks and costs from investors to ratepayers." 2019 NYSIO Report	Comment in opposition Not Relevant to Content of Draft Permit	Comment noted. This is not relevant to the content of draft permit, so no further response will be provided.	As stated in response to other comments above, the permittee has determined that the proposed facility design and layout is sufficient to generate approximately 184 MW of clean, renewable wind energy and meet all commitments in regard to the feasibility of the project. In compliance with the CLCPA, New York State is pursuing multiple renewable energy options to combat climate change and transform the State to a carbon-free economy, including measures to upgrade transmission capacity statewide.
147	147	5/21/2021 17:54	DMM # 21-00026 Public Comments Tab		139A	DMM Date Filed: 06/04/2021 DMM Document Title: Heritage Public Comment Response Matrix - Written Comments and Responses DMM Item No.: 42	This project is an insult. It is a well known fact that wind turbines kill avian wildlife. To place these near wildlife sanctuaries is abhorrent. Stop Heritage Wind now.	Comment in opposition Not Relevant to Content of Draft Permit	As described in the Avian Risk Assessment submitted as Appendix 22-F to the Article 10 Application, the Iroquois National Wildlife Refuge (INWR) is located more than 2 miles to the southwest of the closest turbine and the remaining turbines are located more than 3 miles from the INWR boundary and the Oak orchard Wildlife Management Area (OOWMA) is located more than 1 mile southwest of the closest turbine and more than 2 miles from the next closest turbine.	Please see response to Comment 17 above. The Office disagrees with permittee's characterization of the the location of the closest turbines in this response.
148	148	5/22/2021 8:11	DMM # 21-00026 Public Comments Tab		140A to 140B	DMM Date Filed: 06/04/2021 DMM Document Title: Heritage Public Comment Response Matrix - Written Comments and Responses DMM Item No.: 42	1. Local Laws need to be upheld. □ 2. The studies are insufficient to determine the impact in our community. □ 3. Turbines 1-6 are the most environmentally harmful. □ 4. This SPECIFIC SITE for industrial turbines poses TOO MUCH RISK (for the populated rural community and wildlife). □ 5. We cannot solely rely on other turbine data because turbines of this magnitude have not been placed this close to people or had our unique wildlife. □ 6. I am a Town of Barre, Orleans County resident. I am opposed.	Comments regarding local law waivers Comment regarding wildlife	The Record in this proceeding supports the limited waivers of local law requested by the Applicant. Exhibit 31 of the Application outlines the unreasonably burdensome nature of the provisions for which a waiver was sought. The Town of Barre has since amended its local laws to remove many provisions for which a waiver was needed, and to clarify other provisions. The Draft Permit does not reflect these local law changes adopted in early 2021. Lastly, in terms of process, the Section 94-c process provides the Town with the opportunity to assess compliance with local laws through a Municipal Statement of Compliance and to raise any substantive and significant issues related to, for example, local law compliance or waivers, in their Statement of Issues. The Town of Barre submitted a Statement of Issues and Municipal Statement of Compliance on May 18, 2021. As described in the Avian Risk Assessment submitted as Appendix 22-F to the Article 10 Application, the Iroquois National Wildlife Refuge (INWR) is located more than 2 miles to the southwest of the closest turbine and the remaining turbines are located more than 3 miles from the INWR boundary and the Oak orchard Wildlife Management Area (OOWMA) is located more than 1 mile southwest of the closest turbine and more than 2 miles from the next closest turbine.	Please see responses to Comments 4, 5, 17 and 120A above. Turbine height complies with requirements in § 350-103(6) of the Barre Town Code.
149	149	5/27/2021 0:00	DMM # 21-00026 Public Comments Tab				Dear Decision Makers I am a resident and landowner in the Town of Barre, Orleans County, NY. I am very unhappy for this project for solar wind energy through the use of windmills or turbine is being considered in the area of my residency and land. There has been a blatant disregard for the wishes of the residents and landowners in general, and specifically the voices of those in opposition. The laws of the Town of Barre are to be upheld as are any laws in our democracy. Studies have not determined the impact on our community, but when those mechanical devices are installed, it will be too late to stop the unknown impact that they will have. Every day for the rest of my life as a landowner and resident, I will be confronted with the visual that they present, and I do not wish that to be anyone's fate living where they have chosen to live. The lifetime of these machines and the events that they precipitate as they wear out or become obsolete makes this project an unnecessary burden to bear, and therefore, I oppose its construction.			Please see responses to Comment 4, 5 and 10 above.
150 - 335			Postcards mailed to ORES (186 Postcards)		142A - 324A	DMM Date Filed: 06/04/2021 DMM Document Title: Heritage Public Comment Response Matrix - Written Comments and Responses	I would like to show my support for the draft permit published for Heritage Wind, case #21-00026	Comment in Support Not Relevant to Content of Draft Permit	Comment noted. This is not relevant to the content of draft permit, so no further response will be provided.	Receipt of 186 postcards in favor of the project acknowledged for the record.

336 - 978			Form Email to ORES (642 emails)		325A - 966	DMM Date Filed: 06/04/2021 DMM Document Title: Heritage Public Comment Response Matrix - Written Comments and Responses DMM Item No.: 42	I am writing to express my concerns about the unacceptably high risk that the proposed Heritage Wind project poses to birds, and to urge you to take steps to reduce the project's impacts to wildlife. I am a supporter of renewable energy, but I also firmly believe that it is essential that turbine placement avoids high-risk areas based on data from relevant field studies. Heritage Wind misses the mark by a wide margin. The proposed site for the Heritage Wind project is adjacent to a high-biodiversity wetland that encompasses Iroquois National Wildlife Refuge, and Oak Orchard and Tonawanda Wildlife Management Areas. This complex supports nesting Bald Eagles and many rare bird species. This area is also identified as an important migratory pathway for songbirds. And yet, the developer did not conduct sufficient field studies to fully examine the likely impacts to birds, and has proposed placing turbines right at the edge of this ecologically important area. This is unacceptable. If this project is to be considered for approval, the following would be necessary: • Removal of high-risk turbine locations adjacent to the Iroquois NWR wetland complex; • Additional field studies to effectively evaluate risks to migratory birds; • Conducting five years of post-construction bird mortality monitoring to evaluate impacts; and • Providing compensatory mitigation to offset bird mortality, given the high-risk location. Anything less than is unacceptable, and should result in rejection of the project application.	Comments regarding wildlife	Please see attachment "Technical Memorandum for Heritage Wind's Response to Proposed Issues and Public Comments on Avian Issues."	Receipt of 642 form emails in opposition to the project acknowledged for the record.
979			Handwritten letter mailed to ORES (Marlene & James Graham - Barre Resident 5134 Oak Orchard Rd.)		967	DMM Date Filed: 06/04/2021 DMM Document Title: Heritage Public Comment Response Matrix - Written Comments and Responses DMM Item No.: 42	1) We bought a home in the country free of industrial and commercial development. We're naturalists and want our land to stay that way. 2) We get great T.V. reception (free of charge). Will wind turbines cause problems? 3) Only a small percentage of Barre residents are going to really benefit financially from the installation of wind turbines yet we all have to look at them and live with them. 4) Making videos of the wildlife in the Barre area is a hobby and perhaps a source of income that will be negatively influenced by wind turbines (noise) and more people activity in the great outdoors. 5) We have affordable, available, clean hydro-electric power that has done the job for years. Put wind turbines where this is non existant and everybody wants and needs them. 6) Establishment of wind turbines will definitely cause dissension between neighbors (for and against) and will the value of a property decrease with a wind turbine next door? *Wind turbines provide for the needs of a few in the Town of Barre but not for the needs of most of us.	Comments regarding wildlife	This is not relevant to the content of the draft permit. Comment noted. Effects on Communications are addressed in Exhibit 26 of the Article 10 Application	Please see responses to Comments 4, 5, 10 and 110 above.
980 - 1014			Letters in Support from residents who are members of the Labors Local 435 from Alleghany, Genesee, Livingston, Ontario, Orleans,		968 to 993	DMM Date Filed: 06/04/2021 DMM Document Title: Heritage Public Comment Response Matrix - Written Comments and Responses DMM Item No.: 42	As a Monroe County resident and proud member of Laborers' Local 435, I am writing to you today regarding the proposed Heritage Wind Farm project. As a construction worker I am generally supportive of developmenr. My career as a Laborer is a series of construction jobs over time. However, not all jobs are good jobs. For Genesee County, a good job is one that pays a decent wage and provides employment opportunities for residents. I am asking you to commit to Heritage Wind Farm, built by local laborers like myself.	Comments in Support Not Relevant to Content of Draft Permit	Comment noted. This is not relevant to the content of draft permit, so no further response will be provided.	Receipt of 35 letters in support from residents of Orleans, Genesee, Monroe, Ontario, Alleghany, Wayne and Livingston Counties who are Members of Laborers' Local 435 acknowledged for the record.
1015 - 1306	Same as DMM Comment # 139	5/21/2021 14:50	DMM # 21-00026 Public Comments Tab (292 NY Resident Comments)		1018 to1309	DMM Date Filed: 06/04/2021 DMM Document Title: Heritage Public Comment Response Matrix - Written Comments and Responses DMM Item No.: 42	Letter in Support - Sierra Club Members: In 2019, the New York State legislature passed the Climate Leadership and Community Protection Act (CLCPA), the most ambitious climate law in the nation. The CLCPA requires that we generate 70% of our electricity from renewable energy by 2030 requiring that in the next ten years we need to double the amount of renewable energy we produce. First proposed in 2016, the Heritage Wind farm has gone through a lengthy review process and we appreciate the swift action to issue a draft permit once their application was transferred to your office. As you accept public comments, I am here to share that I support Heritage Wind and ask you to issue them their final permit so that they can move to construction and begin producing clean energy for our region. Heritage Wind will power more than 45,000 with clean energy, contribute millions of dollars to local governments and landowners, and create hundreds of family-supporting jobs. Coupled with other clean energy projects across the state -- we can not only transition to clean energy but also revitalize our economy.	Comments in Support Not Relevant to Content of Draft Permit	Comment noted. This is not relevant to the content of draft permit, so no further response will be provided.	Receipt of 292 letters in support from Sierra Club Members acknowledged for the record. (NOTE: ORES Comments 1044-1335 same as DMM Comment 139)
1307			5/20/2021 Public Statement Hearing		992A	DMM Date Filed: 06/04/2021 DMM Document Title: Heritage Public Comment Response Matrix - Public Hearing Comments and Responses DMM Item No.: 42	I'm not representing an organization. My name is Cindy Burnside. I am a resident of the Town of Barre, and live on Culver Road. I would respectfully request that a study be conducted on what the ramifications and the outcomes will be on the residents of this town, and our surrounding communities, if thirty- three commercial structures, reaching heights of at least six hundred and eighty feet, with spinning blades at tip speeds of over two hundred miles per hour, with incredibly bright blasting lights throughout the night, which would terrorize residents as they try to sleep, along with shadow flickers throughout the day -- not only on the ground, but inside our homes. I am not only requesting, as a taxpayer resident of this town, but as a taxpayer resident of this state, as well as a United States citizen, for a thorough study to be conducted on the ramifications to the health of not just those that are deemed as otherwise normal and healthy individuals. I am requesting a thorough study to be conducted on the severe consequences that wind turbines of this magnitude could have on our federally-protected class of disabled citizens. I request that you get clear studies that show that thirty-three six hundred and eighty foot wind turbines in a small rural area have never impacted a person -- not one -- with P.T.S.D., with epilepsy, with autism or heart conditions, et cetera. It would seem boldly unjust and unconstitutional under our Civil Rights Act to force the federally-protected class of citizens to have to vacate their homes, and force them to flee this town, in order to protect their own health. Many people in the Town of Barre are here for the quiet, wide open spaces that only a rural farming community affords. Blasting lights, spinning blades, unfathomable structures and shadow flicker is not conducive of our natural surroundings -- would help those with disabilities. This proposed wind project would place thirty-three of the tallest commercial wind turbines in the United States in a small, rural community, where many people have come to call it home, a place of refuge, with many health ailments. We have asked who will speak up for the disabled, who will speak for the disabled that have dealt with these issues for their entire life, who will protect them from being forced to leave. Let it be studied and found, without a shadow of a doubt, that not one disabled person would be affected by the structures. I adamantly oppose this project, and any other of Governor Cuomo's wind turbine projects. Thank you.		This is not relevant to the content of the draft permit. A full shadow flicker analysis is available as Appendix 15-A of the Article 10 Application. A full noise analysis is included in Exhibit 19 and its related appendices in the Article 10 Application.	Please see responses to Comments 2B, 4, 5, 10, 15, 35, 57 and 82 above. Additional information on these comments is provided in the Office's Draft Permit (DMM Item No. 25), the Office's <i>Response to Petitions for Party Status, Statement of Issues by the Applicant, and Statement of Compliance with Local Laws and Regulations (Substantive and Significant Brief)</i> (DMM Item No. 43) and other filings in the record of this proceeding.

1308			5/20/2021 Public Statement Hearing		993A	DMM Date Filed: 06/04/2021 DMM Document Title: Heritage Public Comment Response Matrix - Public Hearing Comments and Responses DMM Item No.: 42	My name is Barbara Verburke, and I am not representing anyone, other than my own opinion. I would like to thank everyone for this opportunity to speak. I think New York State encouraging renewable energy is a great thing. My main comment and concern is going to be speaking not to the overarching requirement that renewable energy projects have, but specifically to the detailed needs for the location that this project has sited. Those are things that New York State cannot encompass all at once, but needs to be looked at case by case, or site by site. Specifically those things are bats. In this agricultural community, bats are our pest control. They are crucial to our ecosystem, and I think we definitely ... that pre and post construction ... that detail, what that would look like for our community, how impacts can affect our bats. These are a much bigger problem than birds, and this was told to us by a Heritage Wind employee, and I believe that that's something we need to take into consideration, and that needs to be studied further. These are site-specific. This is our town, our community that has such an impact, not necessarily on something you would see somewhere else in New York State, but right here in this community. Likewise, noise in our community -- being a rural agricultural community, we don't have the same noise populating our area on a day-to-day basis. And when we change one thing, we change how people live in our community, and how animals in our environment respond. I think anything that is site-specific, is being called unduly burdensome for our developer. But those are the very things that make our community our community, and these little aspects are what make up New York State. So I want to make sure that these are given the attention, and given the studies and resources they need, in order to make sure that we are not causing problems that are going to need to be dealt with in the future. Thank you.		Bat surveys are generally completed to assess the presence of federally or state listed species. No federally listed species have the potential to occur at the Project. One state-listed bat has the potential to occur and the Applicant is conservatively assuming its presence. The Applicant has also coordinated with the state to minimize and mitigate any impacts to this species through the Net Benefit Conservation Plan. The minimization that will be implemented at the Project will be to curtail turbines at night during the fall migration season and when temperatures are high enough to allow for bat activity. The fall migration season is the main risky season for bats and this measure will help all bats. In addition, the project will complete post-construction monitoring surveys in coordination with the state to ensure that it is not having a high risk to bats.	Please see responses to Comments 4 (concerning noise) and 17 (concerning wildlife) above.
1309			5/20/2021 Public Statement Hearing		994A	DMM Date Filed: 06/04/2021 DMM Document Title: Heritage Public Comment Response Matrix - Public Hearing Comments and Responses DMM Item No.: 42	My name is Mary Susan Webster. I'm not representing anyone, other than myself and my family. We are long-term residents of the Town of Barre. I am also a long-term family member of a real estate agency who has been in business here for over fifty years. My concern is how this is going to affect the property values of the homes that are in close proximity of these monster turbines, at six hundred and eighty feet tall. When there were more than sixty residents in Northern Chautauqua Wind Facility County, which is close by to us, they had four hundred and twenty feet turbines, and they filed a complaint, not only for health effects that they are seeing, but they state that for those who wanted to attempt to sell their homes and move away from the wind turbines, they found it unable to do so because the value of their land and homes have plummeted. My concern is -- I would like to see a study done, to see how this is going to affect the values of the homes that are in close proximity. However, being in real estate, I know that a study is hard to do on properties that do not sell, so I am greatly opposed to these. I think that it is unfair to take a person who has spent their life putting value in their home, and then expecting to do a study after they're erected, to tell us that oh gee, I'm sorry, your house isn't going to sell because your property value has plummeted. And I don't know how the state can fix that because, as I said, until they put up the six hundred and eighty foot turbines that are -- I feel were being used as a guinea pig, and experimental testing to see what the effects of these are going to be. We have children here, with autism. We have soldiers with post-traumatic stress disorder, and we're going to allow the state to come in and disrupt our lives, when some of us have lived here our entire life. I'm sixty-two years old. This house has been in my family for nine generations, and I hate to see that all the money that I placed into it, and the value plummeted because of poor planning by our state, and our town. So that is my concern, and I thank you for listening to it, and I hope you'll take into consideration on a way to resolve this. Thank you.		The State has determined that property values are not relevant issues for adjudication or study in the State siting process. In cases in which this issue was considered, the State found there was no credible evidence demonstrating an overall negative impact on property values from wind energy projects. Please see below, a ruling from the Siting Board on Case 17-F-0597 regarding property values: "Neither Article 10 nor the implementing regulations require or even mention the impact of property values as an issue to be examined in the application. Additionally, the Article 10 regulations are quite expansive and also do not require examination of such impact. Finally, the question of whether to include consideration of property impacts in an application was raised in the Article 10 rulemaking process, yet the Siting Board did not include it as a requirement. For all of these reasons ... potential impacts of a project on property values is not a relevant consideration under Article 10 and thus should not be a matter either funded through intervenor funds or considered in the case."	Please see responses to Comments 4, 5 and 10 above. 19 NYCRR § 900-2.9(d)(6) requires that an analysis of a full year of hourly potential and realistic shadow flicker be determined, and establishes a 30-hours-per-year limit at any non-participating residence. The 30-hour limit is consistent with the standards established in past precedents in Article 10 cases and the overwhelming majority of other jurisdictions and is a reasonable limit to avoid nuisance conditions at residential locations. The Draft Permit addresses visual resources and mitigation in subpart 5-IV(f), (g), and (I)(1), which includes conditions requiring the evaluation of Aircraft Detection Lighting System(s) (ADLS) and dimmable lighting options with the FAA/Department of Defense (DOD) in compliance with 19 NYCRR § 900-2.9(d)(9)(iii)(c), to avoid, minimize or mitigate potential nighttime impacts of the wind facility. EL § 94-c(5)(f) requires that any final permit issued by the Office include a provision requiring the permittee to provide a Host Community Benefit. For additional information on the Applicant's proposed Host Community Benefits plan please refer to <i>Rebuttal Testimony of Applicant's Heritage Company Panel</i> at DMM Item No. 74.
1310			5/20/2021 Public Statement Hearing		995A	DMM Date Filed: 06/04/2021 DMM Document Title: Heritage Public Comment Response Matrix - Public Hearing Comments and Responses DMM Item No.: 42	Great. Thank you for the opportunity to provide these remarks. My name is Joel Merriman. I'm the bird-smart wind energy campaign director at American Bird Conservancy. A.B.C. supports environmentally- responsible wind energy development as an important part of a multifaceted approach to addressing the climate crisis. We have promoted bird- smart wind energy development practices for more than ten years. Unfortunately, as currently proposed, Heritage Wind is not remotely environmentally responsible, and should not be approved without significant improvements. Heritage Wind is proposed just north of a large bio diverse wetland complex that encompasses Iroquois National Wildlife Refuge, Oak Orchard Wildlife Management Area, and Tonawanda Wildlife Management Area. This block of habitat is important to a large number of species of conversation concern, including some that are listed as endangered and threatened by the state. In addition, a radar study conducted by the U.S. Fish and Wildlife Service, found that this area lies in a migratory pathway for large numbers of nocturnal migrant birds. Despite this, Heritage Wind proposes to place six wind turbines within a half mile of this incredibly ecologically important area. This puts large numbers of birds at risk with collisions with these turbines, potentially including state-listed species. This should never have been considered, let alone progressed to a final plan. For these reasons, turbines T-1 through T-6 should be removed from the proposed plan. Given the high-risk location, conducting sufficient field studies to inform wildlife risk assessment, is incredibly important. However, the applicant didn't bother to evaluate risks to nocturnal migratory birds. This is an obvious oversight, and unacceptable. or thermal imaging studies must be conducted to characterize nocturnal migrants' presence in the project area. This should be paired with acoustic monitoring, which would allow assessment of which species are present. This is particularly important for determining whether this includes state-listed species, and the associated level of risk posed by wind turbines. In addition, five years of bird mortality monitoring must be conducted in the project area, post construction. Five years of data collection is necessary, given the potential that state-listed species will be killed. These species are necessarily uncommon, so a sufficient timespan is critical. It is also important that mitigation be provided, to compensate for bird losses resulting from the project. A recent study found that the United States and Canada have lost nearly three billion birds -- almost thirty percent of the total population -- since 1970. We can't keep chipping away at bird populations without offsetting predictable losses. As currently proposed, Heritage Wind poses an unacceptable level of risk to birds. However, we are confident that the recommendations we have provided will allow this project to move forward in an environmentally-responsible manner, otherwise we find it unfortunate, but inescapably clear, that the project should not be approved as proposed. Again, thank you for the opportunity to provide these comments.		Please see attachment "Technical Memorandum for Heritage Wind's Response to Proposed Issues and Public Comments on Avian Issues."	Please see response to Comment 17 above.
1311			5/20/2021 Public Statement Hearing		996A	DMM Date Filed: 06/04/2021 DMM Document Title: Heritage Public Comment Response Matrix - Public Hearing Comments and Responses DMM Item No.: 42	Okay. My name is Catherine Skopic, and I am chair of the Sierra Club New York City Group. We need all of the renewable energy we can get, and as soon as we can get it, as I believe we are all aware. We need this to further prevent worsening climate crisis, the melting of our solar icecaps, intense fires and worsening and harsh storms. The Heritage Wind Project, with its hundred and eighty-five megawatts of renewable electricity, has met all the state and federal requirements it needs to clear the deck, so to speak. So when can we expect to see it installed, with its turbines turning in the wind, providing renewable energy? Over its lifespan, Heritage Wind can support local farmers in rural communities with approximately a hundred million dollars or more, to these local communities, to payments to schools, towns and plant owners, and we would like to see this happen as soon as possible. It's also worth noting that Heritage Wind will provide enough electricity to power forty-five thousand homes, coupled with other renewable energy projects. We can surely then meet our seventy percent renewable electricity target, by 2030. Moving to a hundred percent renewable energy grid is the first step in moving to a carbon-free economy, protecting us from local air pollution and the increasing impacts of climate change, so it's very important that we get this project up and running as soon as possible. And if I had my preference, and my colleagues, we would have at least twenty of these wind farms across New York State, so that we can be on one hundred percent renewable -- or meet our target of renewable energy, as soon as possible. Thank you very much.		Comment noted. This is not relevant to the content of draft permit, so no further response will be provided.	Comment noted.

1312			5/20/2021 Public Statement Hearing		997A	DMM Date Filed: 06/04/2021 DMM Document Title: Heritage Public Comment Response Matrix - Public Hearing Comments and Responses DMM Item No.: 42	Yes. Thank you, Mr. Sherman, for this opportunity to speak. My name is Chris Loss, and I'm a longtime Barre resident. New York needs to permit many green energy projects across the whole state, to meet their energy goals. In the section 94-c permitting process, there's a great step forward to that end. The uniform standards and conditions created on scientific data, will allow projects to be built in a way that minimizes any adverse environmental impacts, and protects the residents. This is a significant step for the Heritage Wind Project, allowing it to be built as designed. Our community in Barre will benefit from a huge increase in revenue from this critical project. Residents are looking for a significant break in town taxes, and the many other benefits afforded by the project. And while there is a very vocal minority in this town, against the turbine project, the majority of residents very much want to see the project built and, in fact, they're counting on it. And while this town was not prepared for the shocking antics of the anti-turbine groups and their misinformation campaigns -- some of which you've been hearing already -- a core group of dedicated and caring people in this town have stood firm and countered with facts and reason, and they have not backed down to the intimidation and threats. We had faced a much longer, involved Article 10 process before, and now the 94-c permitting process can help us get that project built faster. The anti-wind groups have taken advantage of this slower process -- used every trick they could think of -- because they know that once the project is built, their misinformation campaign will be exposed as false, and other nearby towns that lost their projects through the hysterics of the anti groups will see the benefits, and find renewed strength to stand and fight back, if they see us succeed. Barre could boast of many businesses at one time, and now they've faded away, and that has left the burden of the upkeep of the town, and the largest amount of taxes, to the largest landowners -- farmers. The farmers are struggling, and they need the boost this project can provide. This town needs the added revenue and the jobs. The project will help all of us. Thank you for letting me speak. This issue has major importance to me because I will soon be retiring, and I want to live out the rest of my days in Barre, but the high taxes have been such a burden. As landowners, we're almost -- we almost were designated for a turbine, but that fell through. Having lower taxes will help us immeasurably, and I believe in green energy, and support it a hundred percent. I want my grandchildren to have a viable planet to live on. I'm grateful for the 94-c permitting process that will help us in achieving this goal.		Comment noted. This is not relevant to the content of draft permit, so no further response will be provided.	Comment noted.
1313			5/20/2021 Public Statement Hearing		998A	DMM Date Filed: 06/04/2021 DMM Document Title: Heritage Public Comment Response Matrix - Public Hearing Comments and Responses DMM Item No.: 42	Yes, my name is Amy -- A-M-Y -- Kahn. I am the conservation chair for the Rochester Birding Association. I also have about forty years of experience as a state ecologist, before I retired. I've devoted my life to minimizing impacts on this planet, but this project is not sited by even the industry's own standards. One of the biggest concerns we have with this 94-c process is a lack of confidence that a consultant hired by the actual developer will be able to work independently, to make sure this permit is complied with. That said, we have some concerns about specific turbines that have the potential for significant adverse impacts. There are six turbines -- one through six -- which are very close to the edge of Oak Orchard State Wildlife Management Area, or the eastern border of the Iroquois National Wildlife Management Area. Five turbines are in forested areas. Turbine eight is in the middle of a large forested wetland area. It will also be disturbing -- filling in -- six vernal pools that have amphibians. Other turbines in wooded areas include turbine two, which is one of those six closest to the management areas. So in conclusion, with that, turbines one through six are too close to the wildlife management areas -- with two also impacting, due to its siting, wooded wetlands -- and T-8 will also be breaking up a large forested area. These areas have impacts to the nesting habitat of the Cerulean Warbler. If you look at the Breeding Bird Atlas that was done twenty years ago, the Town of Barre in Orleans County had a significant portion of the Cerulean Warblers nesting in the entire state, so to lose this habitat has an impact to the entire state. This is also an insect-eating bird, which helps our farmers. The wetland impacts on this project are quite large -- one point nine one acres of permanent impact. Most of that is to forested wetlands. There also are temporary wetlands, so the total wetland impact is two point seven --		Please see attachment "Technical Memorandum for Heritage Wind's Response to Proposed Issues and Public Comments on Avian Issues."	In addition to the findings and determinations detailed in the Draft Permit (DMM Item No. 25), please see responses to Comments 2B, 4, 5, 10, 15, 35, 57 and 82 above. Additional information concerning these comments is provided in the Office's <i>Response to Petitions for Party Status, Statement of Issues by the Applicant, and Statement of Compliance with Local Laws and Regulations (Substantive and Significant Brief)</i> (DMM Item No. 43), filed in response to the <i>Petition for Party Status of Clear Skies Above Barre, Inc. (CSAB, Inc.)</i> , Exhibit 4 (DMM Item No. 33), and other filings in the record of this proceeding.
1314			5/20/2021 Public Statement Hearing		999A	DMM Date Filed: 06/04/2021 DMM Document Title: Heritage Public Comment Response Matrix - Public Hearing Comments and Responses DMM Item No.: 42	So I'm actually -- I live in the Town of Barre right now. We would like to express our opposition for the wind turbine project proposed in the Town of Barre. I've actually found some research to support our concerns regarding noise and adverse health effects, from wind turbines placed too close to homes. I also would like to bring up the noise standard. The application does not demonstrate compliance with the town's nighttime, nine-hour noise limit for non-participating residences, of forty decibels, and fifty decibels for participating residences. The decibel levels in Barre are in the low twenties. Residences that have a twenty decibel increase in noise level may experience, or very well may experience the increase as intolerable, according to the D.E.C. noise guidelines. There's also been some research that has shown the introduction of new noise into a residential environment, including noise from an industrial wind turbine, can result in disrupted sleep and adverse health effects. People who live near wind turbines experience a decreased quality of life, stress, depression and cognitive dysfunction. One of North America's highly recognized wind turbine noise experts, Rick James, suggests turbines should be placed in a minimum of one point two four miles -- which is equivalent to six thousand five hundred and forty-seven feet -- from all residences, to minimize adverse health effects from the electromagnetic field -- E.M.F. -- shadow flicker, audible noise and low frequency noise -- infrasound -- produced by the wind turbine. All of these adverse health effects are heightened with the addition of another turbine in close proximity. For example, six wind turbines close together will increase the E.M.F., shadow flicker, audible noise and infrasound drastically, severely impacting human life. The height of the turbines used to create this minimum distance is below four hundred feet tall, which is almost half the height proposed in the Town of Barre wind turbine project of six hundred and eighty feet. Yet, the project is allowing wind turbines to be placed as close as one thousand and fifty feet from residences, when essentially they should be placed at least six thousand five hundred and forty-seven feet away. More research should be conducted to determine the appropriate distance a six hundred and eighty foot wind turbine should be placed, with respect to residences, to protect the public's health and wellbeing. The Word Health Organization -- the WHO -- defines health as a state of complete physical, mental and social wellbeing, and not merely the absence of disease or infirmity. Research suggests that if wind turbines are placed too close to residences, individuals may suffer headaches, sleep disruption, anxiety and cognitive dysfunction. According to the Tenth Amendment of the United States -- or Constitution of the United States -- we must protect public health. According to the research previously discussed above, it is then unconstitutional to place six hundred and eighty foot wind turbines as close as one thousand and fifty feet from residences, due to the adverse effects that would result. The ... Constitution of the United States was created to protect the people, not to be violated.		As set forth in the draft permit, the minimum setback from any non-participating residence is 2.0 times turbine tip height, consistent with established standards for operating and approved projects throughout New York State and in other jurisdictions. Maximum turbine tip height allowed per the draft permit is 675 feet. Therefore, no wind turbines are sited closer than 1,350 feet from your residence. Assessment of reasonably probable environmental impacts to public health and safety is included in the Application at Exhibit 15 and related appendices, as updated by the Transition Supplement. Assessment of potential noise impacts is included in the Application at Exhibit 19 and related appendices, as updated by the Transition Supplement. There is no peer reviewed evidence that wind turbines impact individuals with autism. In addition, the State has rules on past cases that there is no basis for adopting different noise and shadow flicker standards to address individuals with pre-existing health conditions. The State has determined that the noise and shadow flicker limits adopted by the State Siting Board and Section 94-c Uniform Standards and Conditions are adequately protective of public health. There is no evidence that those limits are not also protective of individuals with pre-existing health conditions. The State has determined that there is no basis to adopt different noise or shadow flicker standards to address individuals with pre-existing health conditions, or to conduct individualized health assessments for individuals with such conditions [see New York State Siting Board Order Granting Certificate of Compatibility and Public Need Pursuant to Article 10 in Case 18-F-0262, Application of High Bridge Wind (March 11,	Please see responses to Comments 4, 5 and 10 above for a discussion of health effects, including shadow flicker limits and construction and operational noise restrictions. The facility complies with the height and setback requirements in the Barre Town Code.

1315			5/20/2021 Public Statement Hearing		1000A	DMM Date Filed: 06/04/2021 DMM Document Title: Heritage Public Comment Response Matrix - Public Hearing Comments and Responses DMM Item No.: 42	My name is Gary Palmer. I'm a lifelong resident of the Town of Barre, and I represent myself in these comments. As a lifelong resident of Barre, New York, I am opposed to the siting of industrial turbines within the rural, agricultural Town of Barre. As a member of the United States Marine Corps, I had the opportunity to travel in foreign countries that had these turbines. Wherever we set up operations near turbine facilities, our communications were always drastically affected. I am afraid that same problem will happen within our town. I feel that more studies are needed, in reference to health. To my knowledge, there are no industrial turbine sites with a population ... similar to Barre; therefore current studies that have been done are not suited as a standard for the siting process. Environmental impact studies on birds, bats or reptiles for turbines of this size, have also not been fully researched. There is also a question of placing industrial turbines on known migratory routes of birds, as we are located close to several sanctuaries. Socioeconomic impacts and visual blights for turbines of this size and type, not currently in use on land in the United States, also needs further review. I'm also concerned with the setbacks. Current laws in Article 94 standards do not fully protect the citizens of Barre, or the sensitive wetlands and natural communities within the town. Many of the laws pertain to occupied structures, and not property lines. This creates trespass zoning, where future structures may not be allowed to be built, or where they may be adversely affected by the close proximity of a turbine. The setbacks to wetlands and natural communities of a hundred feet, do not allow for the full range of the turbine power lower blades, plus endangering the environmental impact. Case studies are needed to ensure the full protection of all. Further research is also needed to ensure that the power grid can handle the load of electricity from this proposed industrial facility, without ... from the hydroelectric facility that are currently in operation in the region, and do not currently run at capacity. I respectfully ask that this project be delayed, until these concerns can be met. Thank you very much.		A communications study was conducted for the project, which is included in Exhibit 26 of the Article 10 Application. Numerous environmental studies have been conducted and can be found in the Article 10 Application, including: Invasive Species Survey and Control Plan, Vernal Pool Survey, Wetland Delineation Survey, Avian and Eagle Risk Assessment (Wintering Grassland Raptor Surveys, Small Bird, Large Bird, and Eagle Use Surveys, Breeding Bird surveys, Bat Habitat Mapping, Raptor Migration Surveys, Aerial Raptor Nest Surveys, Habitat Fragmentation Analysis) Cumulative Impact Analysis for Birds and Bats, Net Conservation Benefit Plan for Bats. With respect to wildlife concerns, please see Attachment "Technical Memorandum for Heritage Wind's Response to Proposed Issues and Public Comments on Avian Issues." Public health and safety are addressed in Exhibit 15 of the Article 10 application. Setbacks from occupied dwellings are in-line with other wind projects across the state that are operating safely. There are setbacks from both occupied dwellings and non-participating property lines.	Please see responses to Comments 4, 5, 10, 17 and 57 above. The facility complies with the height and setback requirements in the Barre Town Code. As noted in Comments 110 and 124 above, permittee addressed issues related to effects on communications in Exhibit 26 of the permit application, and must independently comply with all applicable federal requirements (e.g. FCC, FAA).
1316			5/20/2021 Public Statement Hearing		1001A	DMM Date Filed: 06/04/2021 DMM Document Title: Heritage Public Comment Response Matrix - Public Hearing Comments and Responses DMM Item No.: 42	Hi, good evening. My name is David Alicea, and I am Sierra Club New York's lead organizing representative. I am based out in Wayne County, and work across the western half of New York State, and I am here to voice the Sierra Club's support for the Heritage Wind Farm. Sierra Club has been on the forefront of supporting policies to expand renewable energy, and make sure we are on track to meet our Climate Leadership and Community Protection Act targets of generating seventy percent of electricity from renewable energy, by 2030. Now, after a thorough review that the Sierra Club has done, we are engaging and supporting specific well-sited projects, like Heritage Wind, which we endorsed last year. You'll hear more, hopefully, from some of our volunteer leaders, on the climate and ecological benefits of Heritage Wind. But I actually want to start off with how important scaling up renewable energy can be, for rural Upstate communities. In 2019, I actually moved out to Wayne County because I love the more rural parts of New York State -- the clean air, the open space, and access to fresh produce are incredible, and I know my neighbors up in Barre get to enjoy that as well. I also know that many of our communities have seen better days. We've seen major employers leave our region. We've seen taxes go up, and it gets tougher and tougher to be a farmer, and those farmers are the bedrock of our community. Responsibly sited renewable energy projects, like Heritage Wind, are critical tools to revitalize our communities, to support farmers, and ensure that Upstate New York benefits from the new clean energy economy. Heritage Wind will provide a reliable and predictable income stream for farmers and landowners who struggle with the volatility of both nature and the economy. They will contribute millions of dollars to the schools, town and county, and other renewable energy projects, which have allowed communities to make much-needed investments in their schools, and to lower the tax rate, providing real, tangible tax relief for residents, which is a rare thing in New York. This project will also create hundreds of good-paying, family-supporting jobs, right here in our region. And, of course, Heritage Wind will produce -- will power tens of thousands of homes with clean electricity, and this is critical to not only meeting our climate goals, but meeting the upcoming electric demands in our region. For example, New York's nuclear plants are aging, with licenses expiring just the next ten years. We're seeing a surge in electric cars. We just saw yesterday the Ford F-150 electric. That's going to mean more demand to our grid. Our options are either to import more power, sending our energy dollars to other states, or ... in New York, and invest in our communities. That's why we call on the Office of Renewable Energy Siting to move forward in finalizing the permit for Heritage Wind, and allowing it to move into construction. Thanks for your time.		Comment noted. This is not relevant to the content of draft permit, so no further response will be provided.	Comment noted.
1317			5/20/2021 Public Statement Hearing		1002A	DMM Date Filed: 06/04/2021 DMM Document Title: Heritage Public Comment Response Matrix - Public Hearing Comments and Responses DMM Item No.: 42	Okay. I just wanted to first point out -- well, my name is Kerri Richardson, and I am a resident of Barre. I am an elected official -- a town councilmember -- but today I am representing myself in the comments that I am making. I would like to start off just by sharing that it has been extremely challenging to get onto this hearing, and I know that a lot of the people who have -- we've skipped over, have been having difficulty getting on, and unfortunately they don't have -- they weren't able to hear the technical difficulty number, or see it, because they're not -- they haven't actually been able to successfully join with us. That being put aside, I have quite a few different concerns with this project, and with the way that it is being pushed forward. I am sorry; I'm trying to pull up my ... here. One of the major concerns that I have, is that the Town of Barre has a lot of wonderful qualities. And the draft regulations, and some of the town laws that are being looked at, to possibly be overruled by the 94-c process, would be detrimental to our community. I would like to express that the town law is specific to our community. We have local law and local government for a reason, to enable the people to govern and to establish rules that are applicable and appropriate for our communities. We have a very diverse state, and it is important that the individuals in the communities have the opportunity to protect their residence, and to be able to put into place appropriate guidelines for our community -- our sound levels, our geography, our -- there's so many different components. Our environment, and the wonderful resources that we have here in our community, are very vastly different than other communities that have had industrial wind turbines being placed in their communities, or are being studied for the impact. So that is very different. I also would like to share and just express that the difference in these turbines that are currently being proposed for this project, would be the largest in the nation. And that is different than any of the projects that have been studied or reviewed, that we have resources from the past. I also would just like to share that I had a conversation, but currently the tallest industrial wind turbine is down in Texas, to be studied, and that I spoke with the director of that turbine, and I asked him what it was -- like, if he had any recommendations for guidelines to protect our residence and our community, and he did say that --		This comment largely takes issue with the Section 94-c process and ORES's ability to waive local laws. To the extent that the comment takes issue with ORES's specific decision to waive local laws in this case, the Record supports the waivers. Exhibit 31 of the Application outlines the unreasonably burdensome nature of the provisions for which a waiver was sought. In the case of the 25 hours/year shadow flicker limit, Exhibit 31 contains specific information about the renewable energy losses which would be incurred by the Facility in order to meet that standard, as well as the lack of scientific foundation for imposing a lower standard than that adopted by the State in other wind projects. As to the construction hour waiver, the request was not to remove the construction timeframes set forth in the local law entirely, but rather to allow flexibility to go beyond those hours in certain limited circumstances. The Town of Barre has since amended its local law to allow for that flexibility, making the requested waiver moot. Lastly, in terms of process, the Section 94-c process provides the Town with the opportunity to assess compliance with local laws through a Municipal Statement of Compliance and to raise any substantive and significant issues related to, for example, local law compliance or waivers, in their Statement of Issues. The Town of Barre submitted a Statement of Issues and Municipal Statement of Compliance on May 18, 2021.	Please see responses to Comments 4, 5, 10, 17 and 57 above. EL § 94-c(5)(e) provides that a final siting permit may only be issued if the Office makes a finding that the proposed facility, together with any USCs and site specific conditions, would comply with applicable laws and regulations. Turbine height and setbacks as currently proposed comply with requirements in the Barre Town Code. EL § 94-c(5)(e) further provides that in making its determination, the Office may elect not to apply, in whole or in part, any local law or ordinance which would otherwise be applicable if it makes a finding that, as applied to the proposed facility, it is unreasonably burdensome in view of the CLCPA targets and the environmental benefits of the proposed major renewable energy facility (see also 19 NYCRR § 900-2.25(c)). Local agencies and the public are provided with notice of the Office's findings (via the Draft Permit) and the opportunity to comment on those findings (via the public comment, public comment hearing and issues resolution procedure). Local agencies also have the opportunity to file a Statement of Compliance with Local Laws and Regulations (19 NYCRR § 900-8.2(d)), and are provided with funding of up to 75% of the Local Agency Account to offset the costs of this review (19 NYCRR § 900-5.1(g)(2)). The Office's findings and determinations in this case are detailed in the Draft Permit (DMM Item No. 25), and the Town and County's <i>Statement of Compliance with Local Laws and Regulations</i> is a matter of record (DMM Item No. 32). The Office's <i>Response to Petitions for Party Status, Statement of Issues by the Applicant, and Statement of Compliance with Local Laws and Regulations (Substantive and Significant Brief)</i> (DMM Item No. 43), and the ALJs' <i>Ruling on Issues and Party Status</i> (DMM Item No. 47), are also a matter of record. Through this process, the Office receives a variety of public comment and local agency feedback before making its final determination.
1318			5/20/2021 Public Statement Hearing		1003A	DMM Date Filed: 06/04/2021 DMM Document Title: Heritage Public Comment Response Matrix - Public Hearing Comments and Responses DMM Item No.: 42	Okay. So my time starts now. My name is Dr. George McKenna, and I am opposed to the wind turbines. I have continually asked for the pros for the project, and have not been informed of any, other than the leaseholders will profit, the gravel companies will profit, Heritage Wind will profit. The governor will push his cards for renewable energy, and the citizens of Barre will receive an undisclosed decrease in only the Barre portion of their taxes, and this will need to cover all the negatives that go along with this project -- health, safety, environment, lowering of property values, as well as the endurance of great visual impact, and the loss of peacefulness of our rural community. I request that any positive pros that you find, that are economically given to help with this potential danger, if you okay this project, I would like to know who is responsible financially for this fault line, if this fault line is activated by this construction project, causing foundational issues at a property, or property damage along this ... The other concern is a potential for change to the water table and groundwater. Bedrock is easily encountered, only eight to ten feet below the surface. When asked about foundation depth for the seven hundred foot structures, we were given a range of anywhere from ten to fifty feet, by Heritage employees. The blasting and disturbance of the bedrock can easily displace and affect the water table. Question -- who is responsible for the loss of water to the members of this community and surrounding area, due to the loss of wells, or the destruction of well water? Over thirty-five percent of the households in Barre depend on well water, and I'm not sure of the sixty-five percent, but it's still on a secondary well, other than the town water line. Personally, our home is on town water, and our business is on well water. As well as what's going to happen with the pond and ditches that are used for crop irrigation -- who will be responsible for this loss? Thank you.		Exhibit 21 and Appendix 21-B of the Application include information on geotechnical conditions at the site. As described in Exhibit 21, based on test borings, bedrock encountered at the Facility Site is suitable for support of wind turbine foundations and other Facility components. Exhibit 23 of the Article 10 Application addresses Water Resources. A private well-water survey was conducted for the Project and is included as Appendix 23-A of the Article 10 Application.	Please see responses to Comments 4, 5 and 10 above. Without limitation, permittee's assessment of the suitability of bedrock to support turbine foundations is addressed in Exhibit 21, sec. (g) (DMM Item No. 6). The Draft Permit addresses the requirement for a Final Geotechnical Engineering Report to verify subsurface conditions within the facility site, including the results of borings and/or test pits at each turbine location. Draft Permit, subpart 7-l(f)(6).

1319			5/20/2021 Public Statement Hearing		1004A	DMM Date Filed: 06/04/2021 DMM Document Title: Heritage Public Comment Response Matrix - Public Hearing Comments and Responses DMM Item No.: 42	Yes. This is Iva McKenna. I am a resident of Barre for thirty-one years. I am against the project for many reasons. One of the most important ones is that there is a low wind option here in Barre. What this would be is inefficient and ineffective and costly for the citizens, regardless of how this money comes from the citizens. And it is something that three times the Barre residents have been surveyed, and it has shown repeatedly that the majority is totally opposed to the project, and there are -- the only ones that weren't in favor of it -- in favor of going against the wind turbines -- were for no taxes, don't change the wind ordinance, only following the World Health Organization guidelines We are for the health, safety and welfare of all residents. The town survey was done in the summer of 2018, before the town had the opportunity to learn about turbines, and what was proposed. Two hundred and ninety surveys were sent out -- not to the compete town. It was sent to the leaseholders. Gee, what do you think they thought about it? Obviously they were in favor of it because of the large sums of money that they would be receiving, as a result of it, as well as the height has increased markedly since then. And so we have not had a good record of how many people are against that, that you/our town board members will accept as being factual. There were -- in the town survey, forty-four percent were in support of it. Thirty- nine percent were opposed to it. Eight percent were neutral. Seven percent needed more information. There has never been a majority in favor. There was a postcard canvas for a better Barre. Five hundred and thirty-eight individuals were surveyed. Seventy-nine percent were opposed. Three percent were unsure. Five percent refused to comment. Eight percent had moved away. Five percent were supportive. It did not include board members, or members who had leases -- again, reflective of who is in favor of it because of financial incentivization. There are other options. We are for green, but we are for people not wasting money. There is even an Orleans County solar project, which is a two hundred megawatt project, which is more effective and efficient. There is no reason to have a wind farm in Barre, when there is not sufficient wind. The only thing that happens, when there is not sufficient wind, is that more of the taxpayers' money, whether it's through taxes or not, is still spent on making wind turbines to go higher, that are not going to be efficient because there is not a good wind source here. Thank you so much for the opportunity to speak. I am very saddened that there was not the opportunity for everyone to speak because, again, there is not good internet in our area. Giving everyone the opportunity to speak and express their concern about this, with --		Comment noted. This is not relevant to the content of draft permit, so no further response will be provided.	Please see immediately previous comment. Turbine height and setbacks comply with requirements in the Barre Town Code.
1320			5/20/2021 Public Statement Hearing		1005A	DMM Date Filed: 06/04/2021 DMM Document Title: Heritage Public Comment Response Matrix - Public Hearing Comments and Responses DMM Item No.: 42	This is Thomas Grout. I am representing the Sierra Club. I was asked to speak, but good evening. Thank you for the opportunity to speak to you. Climate change is the biggest long- term problem facing our state, country and the planet. Our state, New York, has recognized this situation. The Climate Leadership and Community Protection Act has set significant goals, including generating seventy percent of electricity for this state, from renewable sources, by 2030. This goal is comparable in time duration, but maybe not in difficulty, to President Kennedy's goals in the sixties, to land a man on the moon in that decade. The Heritage Winds project is a part of meeting this goal of seventy percent renewable energy. This one hundred and eighty- five megawatt project will provide the electrical power for forty-five thousand homes. The clean, renewable energy which this project generates, will keep our electric energy bills in New York State, instead of buying electric energy from other states and Canada. Economically, this project, over its lifetime, will contribute over one hundred million dollars to support Barre farmers and the community throughout, through payments to schools, towns and landowners. Heritage Wind has been going through the state permitting process for five years. It has been reviewed to meet many criteria, including setback, noise, protection of endangered species and birds, community involvement and benefits. I urge finalization of Heritage Wind's draft permit, and allow it to move on to construction. Thank you.		Comment noted. This is not relevant to the content of draft permit, so no further response will be provided.	Comment noted.
1321			5/20/2021 Public Statement Hearing		1006A	DMM Date Filed: 06/04/2021 DMM Document Title: Heritage Public Comment Response Matrix - Public Hearing Comments and Responses DMM Item No.: 42	Yes. My name is Janet Lenicheck. I am with the Sierra Club of New York State. I want to thank you for allowing me and other members of the public to voice our opinions about the Heritage Wind Project. Forty- five years ago, I remember reading in college textbooks that the future of electrical energy generation would be found in waves, wind, rivers, solar and wind sources. The authors of those textbooks were right about the energy sources, but they were wrong about how soon it would happen. They predicted by the year 2000 we would see very little coal, oil or natural gas being used for electricity production. Well, thanks to the fossil fuels industry's well-funded efforts, the U.S. and governments around the world have dragged their collective feet, and now we have a climate crisis on our hands. We need to make the transition to renewable energy sources as soon as possible, in order to prevent dangerous increases in average global temperatures that threaten the viability of people, homes, business, wildlife and the entire planet's biological environment. In 2019, New York State passed a historic piece of legislation, the Climate Leadership and Community Protection Act. This act commits New York State to obtaining seventy percent of its electrical energy generation from renewable sources, by 2030. That's a little over eight years from today. In order to meet this ambitious goal, we need to quickly approve renewable energy projects that had been appropriately sited and passed environmental reviews, and offers significant economic benefits to their host communities. In September of 2020, the Sierra Club Atlantic Chapter endorsed the Heritage Wind Project. This endorsement came after an in-depth analysis was done by a committee of Sierra Club members who live in the area that includes Orleans County. The evaluation looked at the impact on birds, wildlife, forest, wetlands, farming and agriculture, as well as the financial benefits for the whole community. The project scored fourteen out of sixteen possible points. That's like scoring eighty-eight out of a hundred, on a college exam. It's not perfect, but it's still a very good score. Let me close by asking that the Heritage Wind Project be fully permitted and approved, so construction can begin as soon as possible. Thank you for allowing me and other members of the public to voice their opinions, regarding the Heritage Wind Project.		Comment noted. This is not relevant to the content of draft permit, so no further response will be provided.	Comment noted.
1322			5/20/2021 Public Statement Hearing		1007A	DMM Date Filed: 06/04/2021 DMM Document Title: Heritage Public Comment Response Matrix - Public Hearing Comments and Responses DMM Item No.: 42	My name is Merle Showers, and I'm representing myself. The Heritage Wind Project needs to move forward, and be constructed as soon as possible. This would be a fuel source that doesn't add carbon dioxide to the atmosphere, and will reduce our need to use fossil fuels which do emit carbon dioxide into the atmosphere. Without the Heritage Wind Project, and many more like it, many millions of people globally will die because of global warming. We can do our part here in New York to increase the use of renewable energy, for a cleaner, safer environment. We can provide cheaper energy locally, and provide revenue for farmers, landowners and local governments in New York State. It is a win-win for everyone. Thank you for letting me speak.		Comment noted. This is not relevant to the content of draft permit, so no further response will be provided.	Comment noted.
1323			5/20/2021 Public Statement Hearing		1008A	DMM Date Filed: 06/04/2021 DMM Document Title: Heritage Public Comment Response Matrix - Public Hearing Comments and Responses DMM Item No.: 42	Hello? Hello, my name is Scott Burnside. I am not representing anybody. I am -- as a decorated combat veteran, I request that an in-depth study be conducted, to protect the fly zone of our military aircrafts that fly over Barre continuously. They do a lot of operations. They actually land in some of the fields here. Three Apaches were in my backyard the other day, and Blackhawks also fly over this area. With wind turbines at six hundred and eighty feet, that would be a hindrance for them to fly, as well as the airport that we have in Barre, for aircraft. We also have parachutists that jump for entertainment -- the club that jumps out of Barre. Thirty-three six hundred and eighty foot wind turbines would affect us. If they would spread or enhance the distance between each wind turbine further away from homes, and further away from the airports and the fly zones for the helicopters that fly here, also to protect the fly zone for Mercy Flight. Mercy Flight is also very -- is an area where they -- they use a lot in this area, to fly their helicopters. The Pine Hill Airport would be affected. Six hundred and eighty foot turbines are currently proposed for this fly zone area. I oppose this project. Thank you very much.		Turbines are sited at least 2 miles away from the Pine Hill Airport. With regard to Mercy Flight, the Applicant has contacted Mercy Flight multiple times throughout development, as recently as June 2, 2021 and we are not concerned with any potential impacts to their operations.	

1324			5/20/2021 Public Statement Hearing		1009A	DMM Date Filed: 06/04/2021 DMM Document Title: Heritage Public Comment Response Matrix - Public Hearing Comments and Responses DMM Item No.: 42	Thank you. My name is Andrea Rebeck. I'm representing myself. I'm the owner of this historic Skinner-Tinkham House, in Barre Center. After reading many comments, it occurred to me that what we have here is an experiment. We have a new approval process. We have a project using larger machines than has ever been used in a densely populated rural part of the United States, and the wind resource is far from ideal. All the experts on both sides are, of necessity, basing their opinions on extrapolations of past experience with different conditions. So we don't really know whether people's health or property values will suffer, or whether the project will actually produce the amount of electricity promised. If the state is going to use the people of Barre as subjects in this experiment, it should also provide some measure of protection for them, in case the promises and assurances made to them by the state and the developer turn out to be false. A sum should be established to pay claims for those injured by the project during the construction, and after it is operational. Corporations benefiting from the project should finance this fund. Baseline property appraisals and health assessments should be conducted at project approval, and changes monitored throughout the process. The amount of electrical energy, both generated and consumed by the project, should be monitored and made public regularly, to see if the project lives up to its claims, to justify this public support. This is really the only way to be fair to the people whose lives will be disrupted by this project. Complaint resolution procedures have often proved to be inadequate, leaving people to spend their life savings on lawsuits where they are often outmatched by corporations with far greater resources. In the same -- at the same time, knowing that there may be real repercussions for building a project that is causing demonstrated harm, all wind developers working in New York State will be encouraged to be on their best behavior. Why do we care about this? Well, if the state is to meet its ambitious goal that it has set for renewable energy production, it will eventually have to construct similar wind developments throughout the state, even around Cooperstown, or in the Hudson Valley, or out on Long Island. If the Barre experiment fails, public pressure against future projects may spell the death of on-land wind development in the State of New York. I urge the panel to take this into consideration when making its decision about this case. Thank you.		This is not relevant to the content of draft permit. Please see the response to comment # 999 regarding health assessments. Please see the response to comment # 994 regarding property value assessments.	Please see responses to Comments 4, 5 and 10 above.
1325			5/20/2021 Public Statement Hearing		1010A	DMM Date Filed: 06/04/2021 DMM Document Title: Heritage Public Comment Response Matrix - Public Hearing Comments and Responses DMM Item No.: 42	Yes. My name is Dave Waters. I'm a lifetime resident of Orleans County, a fifteen-year resident of Barre, and a thirty- seven year business owner in the community. I oppose the wind turbine project for several reasons. There's a lot of grey areas that have never been answered to the satisfaction of many. Home values -- they won't give an exact, if the home values would go up or down, which is very important to many people that move to Barre to retire, as me and my wife are getting closer to that. Taxes -- taxes have never been told exactly the dollar amounts, and how much of the percentage of taxes would go down, or if they would at all. Noise -- my wife did go to the Town of Sheldon to listen to wind turbines for herself, and they do make noise. Anybody who told you that they don't, are a hundred percent lying. Roads and construction -- people may not realize that, yes, we're going to get new roads. But the dirt and the noise and the construction timeframe would be quite long, and would disrupt your life -- quality of life. Quality of life, when you move to a rural community to get out of the city, would be gone. And nobody -- I don't think your house values and your quality of life are going to be great in a wind turbine farm community. This is basically a money grab. It's for people who -- they move into poor communities because people only look to the end of their hand, and they're looking for dollars. You don't see too many wind projects in Fairport or Penfield because people are not so hungry for the money. Yes, taxes are high in Barre, and we all moved there knowing what the taxes were. They talk about decommission -- that there would be a fund for decommission, after the twenty-year lifecycle of these wind turbines. The problem is a business can go bankrupt, come back as another business, and they would owe nothing towards this decommissioning. So we would have no thirty year windmills that technically the Town of Barre would be responsible for to get rid of, which would be millions and millions of dollars, which just couldn't be done. It makes me laugh that there's been people saying it's a minority -- people who are against it. I think it's more of the majority. A lot of the dollar figures that the wind turbines say that they're going to give out for the dollar figures, for taxes and schools and that, that's figured running at a hundred percent power of these wind turbines, which very seldom, if ever, happens. And there have been studies shown that the wind turbine cost more to produce than they'll ever -- to actually construct, than they will ever produce in their twenty-year lifespan. Lastly, the six hundred and eighty feet keeps going up. It started way smaller, and the reason being that Barre is basically flat and doesn't have wind. So the reason they're there is because we'll take the money. Common sense, people. It's that simple. Thank you for your time.		This is not relevant to the content of the draft permit. Comment noted. A Decommissioning Plan is included as Appendix 29-A of the Article 10 Application, and was updated in the Section 94-c Transfer Application. The money to pay for decommissioning is set aside before construction and held with a third party so if for some reason the project goes bankrupt, the money to decommission the site will be in place regardless. With regards to community benefits, PILOT and Host Community payments were negotiated on a "per megawatt" of nameplate capacity basis and is not contingent on the Net Capacity Factor. If the nameplate of the facility is 184.8, that is what the dollar per megawatt will be no matter what the energy output of the facility is.	Please see responses to Comments 4, 5 and 10 above. EL § 94-c(5)(f) requires that any final permit issued by the Office include a provision requiring the permittee to provide a Host Community Benefit. For updated information on Host Community Benefits (including payments in lieu of taxes, or PILOT agreements), please refer to the permittee's testimony in the adjudicatory hearing at DMM Item No. 74.
1326			5/20/2021 Public Statement Hearing		1011A	DMM Date Filed: 06/04/2021 DMM Document Title: Heritage Public Comment Response Matrix - Public Hearing Comments and Responses DMM Item No.: 42	All right, dear. I'm Sister Eileen O'Connor, and I represent the Interface Climate Justice Community in Western New York. The climate crisis is upon us, and has been for decades, as we all know, but many of us did not want to know about it. But now, every day, the urgency of this crisis becomes clearer, as is evidenced on our T.V.s and our newspapers, and especially in our lived experience. We must pay attention. Isn't it exciting that a wind project in a town in New York State has a significant role to play in helping to deal with the climate crisis? Stabilizing our climate gives us a chance to mitigate the catastrophic impacts of climate change on wildlife, agriculture and the overall wellbeing of our communities. This climate crisis requires faster and bolder action from all of us. We are simply not building solar and wind energy quickly enough. We need to move forward on this project, and we need to do it now. The building of wind and solar projects in New York State is critical to curbing climate change, by encouraging the powering of all sectors by renewable energy -- residential, electric, transportation, heating and cooling, commercial and industrial. This is a wonderful opportunity for all of us to do our part. The Office of Renewable Energy should finalize Heritage Wind's draft permit, and allow it to move on to construction. Here's our chance to think globally, and to act locally. Thank you.		Comment noted. This is not relevant to the content of draft permit, so no further response will be provided.	Comment noted.
1327			5/20/2021 Public Statement Hearing		1012A	DMM Date Filed: 06/04/2021 DMM Document Title: Heritage Public Comment Response Matrix - Public Hearing Comments and Responses DMM Item No.: 42	I'm Robert Ciecielski. I'm with the New York Sierra Club. Thank you for letting us speak today. The Sierra Club has reviewed the Heritage Wind Project, and endorsed it with high grades. The Heritage Wind Project has met our requirements of state and federal wildlife and bird protection acts. It has also met the other twenty-four requirements set forth in both the Article 10 proceeding, in which it was proceeding. I think, for about four or five years, and the new Office of Renewable Energy Siting. More and more counties and towns in New York are taking advantage of wind turbine facilities, to provide needed income to farmers who lease their lands, which enables them to maintain their properties and agriculture. The project is also going to help towns and school districts to benefit financially. Rural Lewis County, which has three wind turbine facilities, has constructed a new library, funded a community college, and built an emergency communication system with income from their projects. Residents of the Town of Sheldon, in Western New York, do not pay property taxes, as their turbines provide the town's income. Turbine facilities allow towns and counties to keep their energy money locally, for the benefit of their residents. Besides financial benefits, turbines contribute to two necessary goals -- the mitigation of climate change, and the electrification of our energy system -- both of which are of utmost importance. Concerning climate change, extreme changes in weather and temperatures are adversely affecting farming and birdlife in New York State, and throughout the world. As far as electrification goes, New York State has provided that seventy percent of our electricity is to come from renewable sources, by 2030. All renewable electricity would be especially needed Upstate, to transform our cars and automobile systems to electric vehicles, and to power ... for heating and cooling our homes, instead of using fossil fuels. As far as some of the comments go, property values -- there have been ten major studies across the United States, Canada and England, and in all cases, property values basically remained the same after turbines had been constructed in the area. The only change in that is prior to the construction, where there are local opposition groups, but eventually prices come back. So as far as that issue, I think that it should be discounted. So thank you very much, and we would urge the final approved permit ...		Comment noted. This is not relevant to the content of draft permit, so no further response will be provided.	Comment noted.
1328			5/20/2021 Public Statement Hearing		1013A	DMM Date Filed: 06/04/2021 DMM Document Title: Heritage Public Comment Response Matrix - Public Hearing Comments and Responses DMM Item No.: 42	Yes. I think you have my name incorrect. My name is Nancy Blanc. My husband and I have lived in Barre for forty-two years. We own a farm, and have farmed at two hundred and seventy-five acres. Both of us have expressed our concerns on the ORES site. We are very saddened by what has happened to our community, due to this project by Apex Heritage Wind. It has divided us, a formerly tight-knit community. Our hope is that this project can be denied, and other forms of green energy can be researched, such as expanding hydropower at Niagara Falls, and keeping the Ginna nuclear plant going. We feel that the present turbines in use are detrimental to the environment, to humans and animals, but newer types of wind energy that are bladeless, bird and bat friendly, do not produce infrasound, have no moving parts, no flipper, and are relatively small, comparatively speaking, are being produced at the present time. There's the ... and the PowerPod. The PowerPod is supposed to be available the end of this year. They're small. They can be put on buildings. They can be put in places where farmlands -- without losing farmland at extremely large rates in the state. And that concerns us, as farmers. So I'm concerned, and I question why the turbine companies have not kept up with this new technology of wind turbines. And I guess that's all I have to say for now, and I thank you for the opportunity to speak.		Comment noted. This is not relevant to the content of draft permit, so no further response will be provided.	Please see responses to Comments 4, 5, 10, 17, 35, 50B, 57 and 82 above. The proposed turbines will comply with the height and setback requirements in the Barre Town Code. In compliance with the CLCPA, New York State is pursuing multiple renewable energy options to fight climate change by transforming the State to a carbon-free economy. While hydropower and nuclear are included in the diverse mix of energy options, these technologies do not replace major (utility-scale) wind and land-based solar projects that are necessary to achieve CLCPA targets of 70% clean energy by 2030 and carbon-free electrical generation by 2040.

1329			5/20/2021 Public Statement Hearing		1014A	DMM Date Filed: 06/04/2021 DMM Document Title: Heritage Public Comment Response Matrix - Public Hearing Comments and Responses DMM Item No.: 42	Yes, yes. My name is Karman Serett -- it's S-E-R-R-E-T -- and I'm representing Local 435 Laborers union, out of Rochester. I represent hundreds of laborers in our area. A lot of them are in the Rochester area. Orleans County is our jurisdiction, and there's not a whole lot of construction that goes on in Orleans County, in general. As COVID hit, it even took even more construction jobs away. Projects like this, in Orleans County, don't happen a lot. This is a massive job that will create hundreds of construction jobs. But they're not only just regular construction jobs -- these are high-paying jobs these people would be working on. Not only will it give them a higher standard of life, but also it will boost the local economies because these workers will also spend the money in local economy. I'm going to make this pretty short. It's a win for everyone, really. I understand there's people that are opposed because they live in the area, but there's a lot of people out of work right now. Just us, we have hundred -- a couple of hundred people out of work, that need this work. And, like I said, they are high-paying jobs. Needless to say, but not just myself, but on behalf of hundreds of construction workers, we are in favor of this project. Thank you very much for letting me speak.		Comment noted. This is not relevant to the content of draft permit, so no further response will be provided.	Comment noted.
1330			5/20/2021 Public Statement Hearing		1015A	DMM Date Filed: 06/04/2021 DMM Document Title: Heritage Public Comment Response Matrix - Public Hearing Comments and Responses DMM Item No.: 42	My name is -- yes, my full name is Chris Krtnak. I'm the president of Save Our Environment Limited, which is a non- profit environmental group in Western New York, and we advocate for environmental preservation in Western New York. Our group, Save Our Environment Limited, and its associate members and volunteers, have conducted extensive environmental studies in the Town of Barre, starting in January of 2019, up until November of 2020. Our findings have shown that the industrial wind turbine projected for the town, would have a devastating impact on the environment, wildlife and the residents of the Town of Barre. The Town of Barre has been a major flyway and stopover for all migratory birds and water fowl, and also have been proven feeding grounds for the bald eagle and other birds of prey. It is inevitable that there will be a high mortality rate if this project were to move forward. The town's close proximity to the bordering Iroquois National Wildlife Refuge makes this site impractical for the placement of these industrial turbines, which are projected to be some of the largest ever constructed in North America -- close to seven hundred feet. Preservation of the breeding pairs of eagles and their offspring would be impossible, not to mention the devastation of the surrounding fields, wetlands, forest, that the town provides for all wildlife, and scenic beauty. According to the provisions written in New York State law section 94-c, there will be money paid to the state by the green energy company applicants, that would be put into a wildlife mitigation ... for potential kills of protected or endangered wildlife. In other words, a prepaid fine penalty from them, that would be paid up front, in order to do away with any future culpability, should an endangered or threatened species be killed. The objective of section 94-c, in its own words, is to do away with anything that could prove to be burdensome in the placement and approval process of these green energy projects, meaning existing laws will be done away with. This is reminiscent of Corporate America paying for their smog- emission credits, and is an insulting and irrational gesture to think that money could somehow replace the life and unique biodiversity of the Town of Barre and its residents. Section 94-c will supersede the most important laws and regulations put in place and upheld by the New York State Department of Environmental Conservation, its commissioner, and the State Historic Preservation Office. The placement of industrial wind turbines in the Town of Barre would create an unprecedented state and corporate power move that would pave the way for projects of this magnitude, in the most environmentally and culturally sensitive areas in New York State. Thank you for your time.		Please see Attachment 1, Memo Response to Save Our Environment	Please see response to Comment 17 above. This issue was the subject of the adjudicatory hearing and the Office's final determination is currently pending.
1331			5/20/2021 Public Statement Hearing		1016A	DMM Date Filed: 06/04/2021 DMM Document Title: Heritage Public Comment Response Matrix - Public Hearing Comments and Responses DMM Item No.: 42	Thank you so much for this opportunity to speak on this significant project. My name is Catherine Skopic. Last name is spelled S-K-O-P-I-C. I've worked with many organizations, and I'm speaking primarily as an individual, and also as chair of Sierra Club New York City Group. We are in the midst of a climate crisis. For those who have been following, we maybe have eight years to turn this ship around, and it's not a lot of time. My daughter and I, in 2016, took a trip across the country -- this beautiful country of ours -- to see the Grand Canyon, and drove back on the -- and drove out on the southern Lee Highway, and back on the northern. The wind turbines in the middle of this country are beyond anything you could possibly imagine. They're all over Oklahoma, Texas, Kansas, coming back, and there are wind turbines in towns and fields and open lots and farms. If you were to travel across the country, as did we, you would see people existing peaceably and safely, in health, with these wind turbines, with the benefit of not having to burn fossil fuels, which is really killing us. There are more people who've died from respiratory diseases than from the wars. And you may also know I am an animal lover. I've had horses and ducks and chickens and cats and dogs. You probably know that cats -- housecats -- kill far more birds than do wind turbines. And so I don't think everybody in Barre is going to go out and round up all your cats out there, if you're really concerned about the birds. And I'm sorry -- I think I sound a little bit sarcastic, so I apologize -- but this is such an important thing. I wish I could share with you the depth of my feeling about how significant this is, and how important it is for us. My heart goes out to those of you in Barre who are worried about the value of your homes, and all the other things you mentioned in your comments tonight. But if you look at the studies that were done, there was studies done across the board, in state and federal, on at least twenty-five different sectors -- things that they had to prove, that everything was all right. They had to go through more -- jump through more hoops than any fossil fuel company ever did, believe me. If the fossil fuel companies would start paying for externalities, a gallon of gas would cost about a hundred dollars. In any case, I'm sort of getting carried away. I'm just so proud, and feel so great about the fact that this is happening. And for those of you for whom this seems to be an inconvenience, or you're worried, or you're troubled, please go back to those tests. Go back to the federal and state level, who ran all of the checks and balances on this project, and in terms of the military and disturbing --		Comment noted. This is not relevant to the content of draft permit, so no further response will be provided.	Comment noted.
1332			5/20/2021 Public Statement Hearing		1017A	DMM Date Filed: 06/04/2021 DMM Document Title: Heritage Public Comment Response Matrix - Public Hearing Comments and Responses DMM Item No.: 42	So anyhow, thank you for the opportunity to speak today. We're facing a climate crisis, and need to transition to renewable energy as rapidly as possible, so I'm speaking in favor of this Heritage Wind Project. I'm thrilled that New York is on that path, with the passage of the Climate Leadership and Community Protection Act that sets fossil fuel emission reduction and renewable energy mandates, in order to meet those goals ... time to have the impact on climate change that we truly need. We need to move forward with wind and solar projects. The impact of climate change is becoming evident here in Western New York, in the form of erratic weather and rising lake levels. And personally, I was struck a number of years ago, with the National Audubon Society issuing a study that indicated that half the species of birds in North America are in danger of extinction -- we're not talking about a few birds getting killed by wind turbines; we're talking about entire species of birds becoming extinct -- due to climate change. This report was by the National Audubon Society, and they advocate for the transition to renewable energy, including wind turbines. With that said, as we move forward to make this transition, the environmental and human impact of any proposed project need to be diligently considered. In the case of the Heritage Wind Project, the environmental community and economic impacts have been carefully studied. After extensive studies evaluating the impact on birds and other wildlife and their habitats, the project has been planning to meet all New York State and federal requirements. Unlike fracking and the combustion of fossil fuels, wind turbines do not cause health impacts, and are a necessary part of New York's transition from fossil fuels to clean, renewable energy. Please move this carefully-studied Heritage Wind Project forward, and allow the wind to power New York. And thank you for the opportunity to speak again.		Comment noted. This is not relevant to the content of draft permit, so no further response will be provided.	Comment noted.